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A world of ideas on public policy.

Europe Must Improve its Pharmaceutical Competitiveness

by Fabio Pammolli

Pharmaceuticals have long been a strategic economic sector for Europe. They have contributed greatly to the continent's balance of trade in high-technology, research-intensive fields. In recent years, however, Europe's pharmaceutical sector has come under considerable pressure. In a recent study, several colleagues and I found that European pharmaceutical firms have become less competitive vis-à-vis U.S. companies, and are losing ground in terms of innovative capabilities and performance.

Reversing a previous trend, Europe's pharmaceutical market grew more slowly than the U.S. market throughout the 1990s. This relative decline resulted from a slowdown in Europe's own market growth and an increase in U.S. growth. American pharmaceutical firms rely heavily on high-tech, non-labor inputs, while those in Europe are far more labor-intensive. Investment in pharmaceutical R&D fuelled U.S. market expansion throughout the '90s, while Europe's pharmaceutical-sector growth depended on factors other than R&D, capital, or labor. In other words, capital and R&D investment in Europe has translated less markedly into sales growth.

When we compare new-product sales of leading pharmaceutical firms in Europe and the United States, we find that sales by U.S. multinationals grew far more rapidly than those of European multinationals, even though companies in both markets discovered and developed equivalent numbers of new medicines. Among the explanations for Europe's relative sales weakness are, first, a growing U.S. advantage in sales generated by new medicines, and second, a trend towards relative obsolescence in European corporate drug portfolios.

During the 1990s, the United States supplanted Europe as the seat of pharmaceutical innovation. This is, in part, because the United States fostered a division of labor between smaller biotech companies specializing in drug discovery and larger firms adept at commercializing new products. The U.S. comparative advantage is also evident in the greater use by U.S. firms of new drug development tools such as genomics and high-throughput screening. Because European companies have been content to rely on technological advances generated by U.S. firms, they have forfeited a critical source of growth.

> ***EU member-state governments should guarantee and enforce strong patent protection for innovative medicines, and... avoid excessive intervention in pharmaceutical markets in ways that restrict patient access and discourage innovative research***

Specific frameworks to regulate prices have exacerbated the lack of competition in some European pharmaceutical markets, causing greater inefficiency. Some countries – especially those that have adopted systems to regulate drug prices in order to protect marginal local companies – have seen no significant fluctuation in prices or market share, both of which would normally decline as patents expire and generics enter the market.

Europe's pharmaceutical sector must address its relative disadvantage in technological innovation vis-à-vis the United States. To excel in this area, Europe must upgrade its research base to ensure that its scientists have a solid biomedical educational and research infrastructure. Although extremely high-level research communities exist at the national level, they are fragmented, frequently small-scale, and often cosseted by state protection. Integration of labo markets for researchers and competition amor research units in a system based on peer-revie constitute an important component of this process.

Without question, Europe's pharmaceutical secto needs an integrated research infrastructure, as well a more links with university-based researchers. Greate collaboration among Europe's public research institution and private firms would boost research productivit without minute segmentation of development efforts.

Europe can most effectively boost its competitiv ness by abandoning protectionist pricing and marketin strategies that discourage pharmaceutical innovatio European Union (EU) member-state governmen should guarantee and enforce strong patent protectio for innovative medicines, and their national healt authorities should avoid excessive intervention i pharmaceutical markets in ways that restrict patie access and discourage innovative research. In pa ticular, EU countries should foster a wider variety c mechanisms and sources for financing healthcare an pharmaceuticals, and they should adopt more ope formularies as a way to spur market competition.

Movement toward a more market-based enviro ment will become even more important as the E expands to include Central and East European countries If enlargement takes place within a market-oriente context, it can help to make Europe's pharmaceutica sector more globally competitive. If not, enlargemen might simply aggravate the existing distortions.

Fabio Pammolli (pammolli@cln.it) is Professor o Economics and Management at the University o Florence in Italy. This article is based on a longe study entitled* "Global Competitiveness in Pharma ceuticals: A European Perspective" *(Novembe 2000), co-authored with Alfonso Gambardella an Luigi Orsenigo. The full study can be found a http://www.unisi.it/epris/abstract/pdf/pharma.pdf

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■ LETTERS ■

A VOICE FROM THE GRAVE

In The Long View of June 3, a remark is made about Carmen McRae, "who rarely makes television appearances." Actually, after her death on Nov. 10, 1994, the great singer stopped making any appearances whatsoever, although I personally continue to hold out hope.

Jim Cargal
Montgomery, Ala.

AN UNHAPPY WOLVERINE

In "Governors and Drunken Sailors" (June 3), Stephen Moore's use of John Engler as a model economic reformer comes as a shock to many of us here in Michigan. If devastating the public sector in favor of tax reductions for special interests is what it's all about, then the curve should properly be called Laugher, not Laffer.

Engler's attempt to privatize the teachers retirement system guaranteed an exodus of college grads to other states. Our state police and conservation officers are rarely seen. If you want a real laugh, just try calling a state agency on the phone. And for those who have driven in Michigan, it's obvious why our roads are rated the worst in the nation.

If Engler could run again, I doubt he'd win re-election. The most frequently seen bumper sticker reads: "Just Fix the Roads!" If Mr. Moore wants to see firsthand what lowered tax levels bring a state, he should come visit us in Michigan, and be sure to drive.

Bill Reuter
Petersburg, Mich.

WE'RE ALL ARCHITECTS NOW

David Gelernter ("Bigger, Better, More Beautiful," June 3) presents thoughts for the new WTC that are interesting and provocative.

I agree wholeheartedly that it should not be just another office tower, but rather a symbol of America and her achievements.

However, the need for the new structure to be the tallest seems less important: Tallest structures quickly become second or third tallest. Neither the Eiffel Tower nor the Statue of Liberty is the tallest, but both make a statement.

Peter A. Wolf
Gaithersburg, Md.

David Gelernter suggests that the replacement for the WTC towers should demonstrate America's resilience to the attacks. Then let's build carbon copies of the towers. What could show our resilience more?

The current hole in the skyline makes my heart ache every time I see it. Rebuild the towers exactly where they fell, and put two memorials on the floors where each plane hit. Being on that floor, you would imagine yourself as a person who was there on 9/11.

This would be a disquieting feeling, but not to worry: The 20mm Phalanx Vulcan cannons resting nearby would reassure everyone.

Ryan Kennedy
Anchorage, Alaska

A FRIEND IN VEGAS

In regard to Jonah Goldberg's piece on Las Vegas ("Living in Sin," May 20): Vegas can't be all that bad. There's a portrait of actor Ronald Reagan hanging among his peers in the MGM Grand.

I pass by it purposely for good luck!

Philip A. Miceli
Twenty-Nine Palms, Calif.

TOUGH CHOICE

OMB director Mitch Daniels's dilemma involving James Carville and Geraldo Rivera (For the Record, June 17) suggests another:

If O. J. Simpson and Al Sharpton were both drowning, and you could save only one, would you read NATIONAL REVIEW or *The Weekly Standard*?

Ernest W. Lefever
Chevy Chase, Md.

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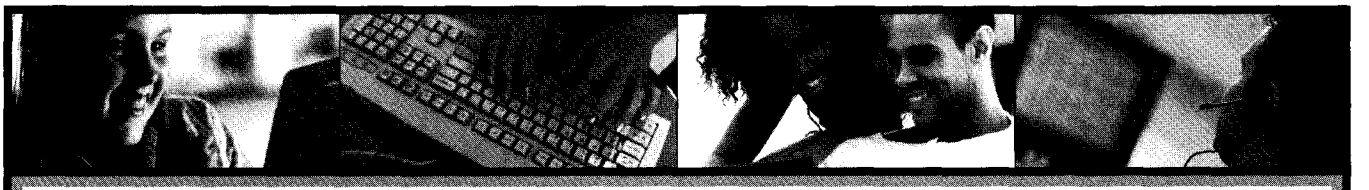

ART & COMMERCE IN THE DIGITAL DECADE

The brief but dramatic history of Napster and other file-sharing services underscores an important legal and policy challenge posed by the Internet: how to protect intellectual property in the digital age.

At stake is the continued growth of the digital economy. Copyright holders—authors, musicians, filmmakers, software developers and others—will be able to take full advantage of the Internet as a powerful distribution channel only if their creations are appropriately protected.

The recording industry and movie studios, understandably concerned about the implications of file sharing, have been pressing Congress to act. A bill now before the U.S. Senate could result in the government selecting a specific anti-piracy technology and mandating its use in personal computers and other digital devices.

To grow the new economy, protect digital rights.

Piracy is deeply troubling, and the government clearly has an important role in the fight against it. But a government-mandated standard could actually hinder anti-piracy efforts by stifling technical innovation.

As creators of the first digital media, software companies have long understood the value of intellectual property and the need to protect it. Microsoft and others in our industry have invested significantly in building anti-piracy safeguards into software products, yet even today, software piracy drains an estimated $12 billion each year from the economy and from thousands of businesses large and small.

Anti-piracy measures are self-defeating if, in tightening security, they impair technology's usefulness or burden users. And even the best security is breakable. It must be improved continuously to stay ahead of hackers.

In fact, the technology industry is continually devising, testing and distributing innovative security solutions to protect all forms of intellectual property. Microsoft has pioneered important advances with our rights-management software for digital media and eBooks.

Microsoft is also working with other leaders in the technology, entertainment and consumer electronics fields to develop new security capabilities through organizations such as the Copy Protection Technology Working Group.

These cooperative efforts are making vital progress. For instance, critical standards for interoperability—the means for different digital rights management systems to work together—have recently been specified by the Moving Pictures Expert Group.

Meanwhile, some ideas advanced by the entertainment industry could have unintended consequences. One concept would require computers and other devices to inspect every bit of incoming content—every file, every e-mail—for digital "watermarks" that indicate copyrighted material. Potentially an invasion of users' privacy, this measure would also slow the processing of data communications.

A more effective solution would be for entertainment companies to invest in digital distribution. Few companies have made much content available online, yet the popularity of file sharing among music fans suggests that the market is large. Making legitimate content available easily and affordably would help to counter the illegal supply.

Some file swappers may be ill-informed about what constitutes a copyright violation and why it hurts the very artists whose work they enjoy. Industry-sponsored public education would help curb theft that, on the surface, might seem harmless.

The discussion of how best to protect digital content should not pit one set of copyright holders against another. We all share the same long-term interests in finding digital rights solutions that both protect intellectual property and work easily and flexibly for consumers.

Microsoft is committed to continuing the dialogue and to working constructively with all stakeholders. Our collective progress will benefit everyone—consumers most of all.

One in a series of essays on technology and society. More information is available at microsoft.com/issues.

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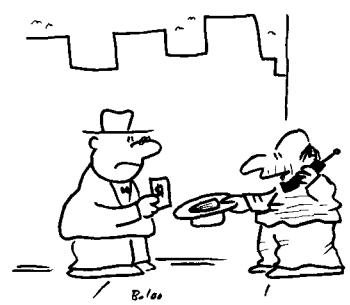
■ FOR THE RECORD ■

■ In Fox News poll, President **Bush** earns 74 percent job-approval rating. . . . Bush at West Point: "Some worry that it is somehow undiplomatic or impolite to speak the language of right and wrong. I disagree. Different circumstances require different methods, but not different moralities. Moral truth is the same in every culture, in every time, and in every place. Targeting innocent civilians for murder is always and everywhere wrong." . . . Bush at Camp David: "We need to start immediately in building the institutions necessary for the emergence of a Palestinian state.". . . Bush proposes making death-tax repeal permanent: "Let's make sure that death tax is forever buried and forever done away with." . . . Homeland-security director **Tom Ridge** on whether he'll head new department: "One job at a time."

■ In *Esquire*, White House chief of staff **Andy Card** worries that departure of **Karen Hughes** will increase influence of **Karl Rove** and conservatives. "Listen, the president's in a state of denial about what Karen's departure will mean, so is the first lady, and so is Karen herself. . . . The whole balance of the place, the balance of what has worked up to now for George Bush, is gone, simply gone . . . My biggest concern? Want to know what it is? That the president will lose confidence in the White House staff. Because without her, we'll no longer be able to provide the president what he needs, what he demands."

■ House minority leader **Dick Gephardt** on **Saddam Hussein**: "I share President Bush's resolve to confront this menace head-on. We should use diplomatic tools where we can, but military means when we must to eliminate the threat he poses to the region and our own security." . . . Senate majority leader **Tom Daschle** on Iraq, on *Meet the Press*: "There ought to be a regime change." . . . State Department grants $400,000 to Iraqi Jurists Association to "focus on the drafting of key legislation and legal decrees, to be readily available to a post-Saddam administration," reports UPI. . . . Arab American Institute's **James Zogby** on plans to fingerprint certain Middle Eastern visa holders: "We're becoming like the Soviet Union." . . . Four September 11 hijackers tried to get loan from Agriculture Department in 2000 to finance crop-duster business, according to ABCNews.com.

■ **Andy Rooney**, on *Larry King Live*: "There is just no question that I, among others, have a liberal bias. I mean, I'm consistently liberal in my opinions. And I think some of the—I think **Dan [Rather]** is transparently liberal. Now, he may not like to hear me say that. I always agree with him, too. But I think he should be more careful." . . . In Tarrance Group poll, former Philadelphia mayor **Ed Rendell** (D.) leads attorney general **Mike Fisher** (R.) in race for Pennsylvania governor, 46 percent to 41 percent. . . . In Massachusetts, Democrats challenge residency of GOP gubernatorial candidate **Mitt Romney**, who helped organize Winter Olympics in Utah. . . . **Rudy Giuliani** adviser **Bruce Teitelbaum** says former NYC mayor will run for president in 2008. . . . Conservative **Scott Garrett**, who narrowly lost to liberal Rep. **Marge Roukema** (R., N.J.) in 2000, wins primary to fill her seat on retirement. Club for Growth head **Stephen Moore** says that Garrett, if he wins in November, will be the only conservative GOP representative in the northeast outside of New Hampshire. . . . Sens. **Joe Biden** (D., Del.) and **John Edwards** (D., N.C.) help Bush circuit-court nominee **D. Brooks Smith** pass through Senate Judiciary Committee. Says NOW president **Kim Gandy**: "The field of credible Democrats running for president was significantly narrowed today when two rumored candidates insulted every employed woman, every woman in business, and every woman who has been a victim of violence in this country."



"Can you hold?—
I'm with a client."

■ Between October 2001 and April 2002, border apprehensions drop to lowest level since 1985—indicating dip in illegal immigration. . . . Members of U.S. World Cup soccer team visit DMZ in Korea. Youngest player, **DaMarcus Beasley**, tells ESPN: "I was so clueless until today. People take for granted what goes on in the world. You forget how much people do for our country." . . . Arkansas refuses to grant $3.62 million request for Clinton presidential library. . . . Senior speechwriter **Matthew Scully** departs White House to finish work on new book, *Dominion: The Power of Man, the Suffering of Animals, and the Call to Mercy*. . . . NR president **Thomas L. Rhodes** elected chairman of Bradley Foundation in Milwaukee.

■ Egyptian president **Hosni Mubarak** discusses **Yasser Arafat** with reporters at Camp David: "Look, we should give this man a chance." . . . Arafat warns of "disastrous explosion that will impact the stability of the whole world" if Israel doesn't withdraw from areas under Palestinian Authority jurisdiction. . . . U.S. formally recognizes Russia as market economy, easing trade relations. . . . State Department tells Marshall Islands it wants option of using missile-test site on Kwajalein Island until 2043. . . . U.S. posts first resident diplomat to Sudan in six years. . . . In face of public pressure, Pakistani court frees rape victim sentenced to death by stoning for extramarital relations.

■ After Beijing *Evening News* says Congress will leave Washington, D.C., "unless a fancy new Capitol [is] built," embarrassed newspaper admits source was satirical publication *The Onion*. Says *Onion* editor **Robert Siegel**: "Wow, even journalists now believe everything they read." **NR**

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THE WEEK

■ The French nabbed an al-Qaeda operative who was planning to demolish a French cathedral. No need to send one to the Milwaukee archdiocese, where the Church does the job itself.

■ Abdullah al-Muhajir, the al-Qaeda terrorist formally known as Jose Padilla, was caught before his Dirty Bomb plot was much more than a gleam in his eye. The incident holds two important lessons. The first is that the fight for homeland security will be won overseas. It is only because the U.S. routed al-Qaeda from Afghanistan, and hunted down some of its remnants in Pakistan, that we were able to capture and interrogate al-Qaeda big Abu Zubaydah, who provided the intelligence crucial to al-Muhajir/Padilla's capture. The other is that in preempting terror attacks the U.S. will not be able to operate by the exquisite rules formulated to protect Americans in their dealings with the criminal-justice system. Al-Muhajir/Padilla joined an enemy army, and therefore he is rightly confined to a U.S. military jail, where he will be able to think of his Dirty Bomb in peace and quiet for a good long time.

■ Attorney general John Ashcroft announced that the United States plans to photograph and fingerprint visa-holders from five countries—Iran, Iraq, Libya, Sudan, and Syria—as a first step towards a complete entry-and-exit tracking system for visitors, to be in place by 2005. One can pick nits—why was Saudi Arabia, which spawned 15 of the 19 9/11 mass murderers, not included? Why are visitors from such countries allowed in at all? Why will it take three years to institute a complete system? Yet for an administration that has been extremely cautious about risking the bipartisan anti-terror consensus, a policy initiative so displeasing to liberals and ethnic mouthpieces is noteworthy. Sen. Kennedy complained, natch, as did James J. Zogby, the talk-show rent-an-Arab. Ashcroft's announcement was also slammed by Cecilia Munoz, vice-president of La Raza, the radical Hispanic group, who said, "This is going to lead to enormous racial profiling." When one reflects how zealously the administration has courted Hispanic voters, the Ashcroft plan becomes doubly courageous. Let's hope Munoz is right.

■ Russ Feingold should forever be known as The Senator Who Would Have Made It Illegal to Act on the Phoenix Memo. The Phoenix memo, of course, came from the FBI field office there in July 2001, and recommended that the FBI canvass flight schools nationwide for suspicious Arab students. Everyone has risen up to scold the FBI for not jumping on this tip. But, as both *Newsweek* and the *New York Times* have reported, the FBI was nervous about acting on the memo because it would have appeared to be racial profiling. Which is where Feingold's proposed "End Racial Profiling Act of 2001" enters the picture. Feingold would outlaw "a law enforcement agent relying, to any degree, on race, ethnicity, or national origin in selecting which individuals to subject to routine investigatory activities, or in deciding upon the scope and substance of law enforcement activity." So, while the rest of the nation rues the missed clue in the Phoenix memo, Feingold should be glad—the FBI, in passing it up, was already operating on his principles.

■ Meanwhile, a Pennsylvania councilwoman has accused her borough's lone police dog of racial profiling, leading to calls that the pooch be killed. Feingold, whose bill is narrow-mindedly focused on homo sapiens racist law enforcement, will have to re-draft it to take account of this latest outrage.

■ Why couldn't the Taliban shoot straight? U.S. instructors training Afghans, in an attempt to create a new national army, now know why, according to the *New York Times*: "Few of them have had formal instruction in how to set the sights on the rifles correctly. Instructors recognized another reason why some soldiers did not shoot straight: they cannot see the targets. Americans hope to have an optometrist, rare in Afghanistan, outfit soldiers with glasses soon." So it goes among what we were once told were the fiercest warriors on Earth.

■ The Bush administration's moves on global warming are puzzling friends and foes alike. In early June, the EPA issued a report that emphasized the more alarmist theories on the subject. Conservatives became rather heated themselves, and a day after the report was made public Bush dismissed it as a "report put out by the bureaucracy." Around the same time, Japan ratified the Kyoto accord on global warming, Australia announced that it would not, and the government of Alberta said it would fight the accord if Canada ratified it. The administration said nothing about any of these developments. Rather than make the case for his policies, Bush appears to prefer that environmental issues just go away. They won't, so he had better find a way to engage on them with a consistent, conservative, and defensible position. Taking control of his bureaucracy would be a good start.

■ The Senate remains evenly divided on human cloning. Half the senators support Arlen Specter's bill to permit the cloning of human embryos for research purposes—the clones would have to be destroyed, rather than be allowed to develop into babies. Half the senators support Sam Brownback's bill to ban cloning altogether. The impasse makes it very likely that the Senate will pass no bill this year, thus leaving all forms of cloning legal. It may, then, be time to consider a compromise: a moratorium on cloning for any purpose. That compromise would not fully embody the sound moral principle for which

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Brownback rightly fights: that all human lives, including embryonic human lives created by cloning, should be protected in law. But neither would a moratorium *violate* that principle, as Specter's bill would by creating, for the first time in federal law, a class of human beings whose destruction is mandatory. A moratorium would also give everyone time to reconsider his position. Perhaps research without ethical drawbacks would bear fruit during the interim. That's something Brownback, Specter, and we would all welcome.

■ Signed 30 years ago, the Anti–Ballistic Missile Treaty was a dubious piece of diplomacy from the start. It placed severe limits on the deployment of antimissile defenses and banned the testing of new ones, on the theory that if both the Soviet Union and the United States lay naked before each other, neither would risk a first strike. Its advent caused the Hudson Institute's Donald Brennan to coin the phrase "Mutual Assured Destruction," the acronym of which reflected his view of it. But arms-control devotees were deeply committed to the treaty, even after one of its two signatories collapsed and a handful of rogue nations started building weapons of mass destruction against which the treaty rendered us defenseless. Treaty supporters predicted a rupture with Russia and a new arms race if we pulled out. Six months ago, President Bush announced that we would indeed withdraw from the ABM Treaty, exercising an option outlined in the treaty itself. In the meantime, U.S.-Russian relations have grown as warm as they've been at any time since the Second World War and both countries' nuclear stockpiles are now set to decrease dramatically. On June 13, the ABM Treaty finally lay down on the ash heap of history, dying a quiet death, and not a moment too soon.

■ Pakistan and India stood down a bit from their war footing in Kashmir. For years the elements of Pakistani intelligence that propped up the Taliban regime and worked with al-Qaeda sent guerrilla terrorists into the Indian-occupied portion of Kashmir. Pakistani president Pervez Musharraf's pledge to stop the infiltration of Islamist militants caused India to tone down its rhetoric. Whether Musharraf can deliver on his assurances is another matter. A full-scale India–Pakistan conflict, including nuclear exchanges, would be a human nightmare. It would also turn the northwest quadrant of the Subcontinent into a no-man's-land in which al-Qaeda could operate with impunity. The United States must keep a firm and friendly hand on Musharraf's shoulder, to ensure that he does the right thing, while cultivating closer ties with India, which will pass China as

Free-Trade Free-Fall?

WHEN George W. Bush foolhardily agreed earlier this year to impose 30 percent tariffs on imported steel, he learned a harsh political lesson: When it comes to free trade, you can never regain your virginity. Nowadays, when Bush attempts to lecture Congress or foreign leaders on the virtues of tearing down trade restrictions, his pleading is met with snickers.

World Trade Volume Starts to Shrink

YEAR	% INCREASE
1995	10%
1996	6%
1997	11%
1998	5%
1999	5%
2000	12%
2001	–2%
2002	–1%

Source: WTO, with 2002 estimate for 1st quarter of the year.

Bush's faltering on free trade—with respect to steel, timber, and, most recently, agriculture—couldn't come at a worse time. The global trading system is already under assault. As the chart shows, the volume of world trade declined last year—for the first time in two decades. Part of this was due to depressed demand resulting from the global recession. But a much more malignant factor is also at work: the reemergence of protectionist trade barriers around the world.

The rise in worldwide tariffs, quotas, and government subsidies is a flashing danger sign in the technology-driven global economy. It has been, in part, the expansion of free trade and the chopping of tariff barriers over the past quarter century that has propelled the dramatic rise in living standards and wealth creation in the U.S. and much of the rest of the world. .

Nations that have freely entered the world-trade marketplace have exploited the magical force of Adam Smith's comparative advantage to increase growth and wages by producing what they produce best. The U.S. prospered because of the long-term trend toward lower trade barriers over the past century. (Average trade duties fell from a 20-25 percent range in 1900 to a 5-10 percent range by 1999.) This chiseling away at trade restraints drove down—both in the U.S. and worldwide—the costs and prices of everything from bananas to vaccines. As a result, products that once were available only to kings and multi-millionaires became affordable to even the poorest Americans and to the middle classes of most other nations. When it comes to advancing worldwide consumer sovereignty, nothing works better than free trade.

All of this is to say that the expansion of freer trade was one of the great success stories of the 1980s and 1990s. Sadly, the U.S. is now reversing course.

—STEPHEN MOORE

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The Challenges of Charter Schools

hester E. Finn Jr. is a listinguished visiting low, Hoover Institution; ember, Hoover's Koret Task Force on K–12 ucation; and president, Thomas B. Fordham Foundation.

Charter schools are now ten years old, and the movement is still spreading. About 2,400 charter schools have been operating in 2001–2002. A handful of cities now find 15–20 percent of their kids enrolled in charters. Yet **some of the wind is going out of the charter schools' sails.** Six challenges are paramount.

First, we see too little leadership in the charter movement. The concept of charter schools was dismissed at the last national education summit on October 9–10, 2001, in New York. The Bush White House rarely mentions charters. Few governors tarry long on this subject—and many admit to frustration over "bad apples" in the charter barrel. There's no coherent national voice explaining this reform idea to Congress, the media, or other educators.

Second, although not large, the bad-apple problem is easily exploited by critics. Most states have a few charters that never should have been allowed to start and a few more that cannot sustain the pace. What to do? Too many states—instead of promptly replacing hapless schools with better ones—are slowing the whole charter enterprise and putting bureaucrats in charge of it. Because the top concern of bureaucrats is to fend off future problems, the red tape piles up.

Third, even without added rules and regulations, it is hard to start a charter school. The *New York Times* recently recounted an unsuccessful three-year effort by would-be charter school founders in the South Bronx, whose dream of starting an arts-oriented charter was stymied by state and city bureaucrats, facility woes, and a lack of start-up funds.

Fourth, charter enemies are relentless. Their favorite strategies are to keep numerical caps in place on the grounds that "this risky experiment hasn't proven itself" while persuading policymakers (in the name of "ensuring accountability" or "leveling the playing field") that charters must be subject to ever more of the same requirements as regular public schools.

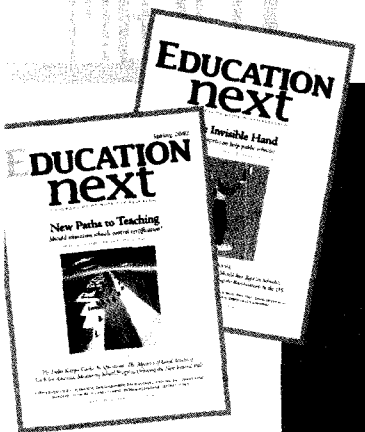
Fifth, charter advocates have not been smart enough about accountability, probably because they're split on the subject. We find libertarians insisting that the marketplace is a sufficient accountability mechanism; dyed-in-the-wool public educators being swayed by "level playing field" claims even though responding to such claims often brings stultifying red tape; and people resisting state standards and tests for the same reasons that other educators resist them.

Finally, **the charter movement itself cannot decide whether it is a trade association obliged to defend every school that wears the charter label or an education reform movement responsible for ensuring that only good schools are so labeled.**

These challenges are worth meeting. The promise of charter schools remains bright. The *National Journal*'s Jonathan Rauch recently profiled Nueva Esperanza Academy, a charter school serving Philadelphia's Latino community and one of as many as fifty such schools being developed by the National Council of La Raza. The academy is bringing low-income high school dropouts back into education. The school's name means "New Hope," which is how many charter advocates see their movement. But hope alone won't get it successfully through another ten years.

— Chester E. Finn Jr.

Paid for by the Hoover Institution, Stanford University.



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Asia's economic and military powerhouse sometime in this century. A delicate task, but that's what diplomacy and coalition warfare are all about.

■ Martin Burnham, an American missionary pilot, and Ediborah Yap, a Filipino nurse, were killed in a firefight between Philippine troops and the Abu Sayyaf, a Muslim guerrilla group in the southern Philippines with links to al-Qaeda; Burnham's wife, Gracia, was wounded, but rescued. The victims' families had paid $300,000 to Abu Sayyaf as ransom, with the acquiescence of the Bush administration, but the rebels took the money and ran. "We were repeatedly lied to by the Abu Sayyaf," said Mrs. Burnham in a press conference, "and they are not men of honor. They should be treated as common criminals. We support all efforts of the government in bringing these men to justice." The moral of the story is never deal with criminals, especially jihadist terrorists.

■ Libya is known to be building weapons of mass destruction, it is a terrorist state, and it qualifies for the "axis of evil" list. Most probably it was responsible for the bombing of Pan Am Flight 103 over Lockerbie in 1988, killing 270 people. Lawyers have been negotiating compensation for the victims' families. This would depend on Libya's admitting responsibility for the bombing, renouncing terrorism, and disclosing all relevant information. In return sanctions would be lifted, and U.S. oil companies could return to Libya. But no sooner do Libyan representatives agree to pay $2.7 billion—or about $10 million to each bereaved family—than the Libyan government bewilderingly repudiates these representatives. Libya's erratic president Muammar Qaddafi is capable of any trick. It looks as though he doesn't mind what he does or says or pays so long as the petrodollars can start flowing again. For the families of the victims, the bargaining is unseemly, even insulting. Where is Libyan remorse? What about justice, and punishment for terror? Dan Cohen lost a daughter on the flight, and he, for one, finds this whole deal unconscionable, putting his finger on it with the words, "The lawyers will get rich. We'll get rich. Qaddafi will get richer. And my daughter will have died for nothing."

■ President Hosni Mubarak of Egypt came to Camp David to put the case for a state of Palestine, to start as soon as possible, preferably within a year. His own grip on power is none too firm. He knows that Arafat can foment students and activists to mount violent demonstrations anywhere in Egypt, and he wants him off his back. So he makes the standard Arab criticisms of Israel, and says of Arafat, "Look, we should give this man a chance." For almost 40 years now, Arabs and Europeans have been flying in to plead with successive presidents that although Arafat yet again has sponsored terror and is endangering everyone around, he should be given a chance. Never did anyone have so many chances, or so undeserved. President Bush was not going to be drawn in, at least not very far. The moment Arafat drops terror, he'll have his state. That's the timetable—and a last chance.

■ When President Bush condemned Iran, Iraq, and North Korea as an "axis of evil," the Europeans had conniptions. Hubert Vedrine, France's foreign minister, denounced the president's view as "simplistic." Comes now from the *New York Times* testimony from former North Korean inmates, who say that prison officials routinely force abortion on pregnant women, and murder newborn babies there. "More and more escapees from North Korea are asserting that forced abortions and infanticide are the norm in North Korean prisons," the *Times* wrote in a June 10 front-page story. Pregnant illegal aliens deported from China back to North Korea in recent years are the victims—they and their murdered babies, which one human-rights worker numbered as "several hundred" last year alone. If a woman escapes abortion and gives birth to the child, guards let the baby die or smother it with a sheet. In at least two cases, mothers had to watch their newborns slaughtered. Defector Lee Soon Ok said she twice saw prison doctors kill newborns by stepping on their necks, and on another occasion witnessed a camp doctor kill two delivered babies by shoving surgical scissors into their brains. For the morally complicated version of this horror story, wait for the translation into French.

■ "Congress Threatens To Leave D.C. Unless New Capitol Is Built," blared the headline. The article went on to detail Congress's plan to relocate to Memphis or Charlotte unless a state-of-the-art facility, complete with retractable dome, is constructed to replace the "inadequate and obsolete" 209-year-old Capitol. Breaking news, indeed—or it would have been had it not been a joke in *The Onion*, a satirical weekly whose previous scoops include "French Writer Claims Hell Is Other Frenchmen" and "Clinton Feels Nation's Pain, Breasts." Undaunted, the *Beijing Evening News* on June 3 reprinted portions of the Capitol "story" word for word, and even when taxed with the error, refused to run a correction. But then, the Chinese press does not have much practice at sorting truth from fiction—as evidenced by its frequent claims that religious freedom flourishes in China and that no one was killed at Tiananmen Square.

■ Children in British schools between the ages of 11 and 14 study a foreign language, usually French or Spanish. A proportion of them come from immigrant families, speak their native language at home, and above all need—and of course receive—English lessons in order to succeed in the future. At the annual meeting of the National Association of Head Teachers, however, delegates passed a resolution that the children should no longer study a European language, but instead develop their native language, and Albanian, Gujurati, Somali, and Urdu were picked out as examples. Highly useful these languages are going to be for a career in Britain. Multiculturalism keeps proving what an efficient engine it is for promoting exclusion and backwardness.

■ In some jurisdictions, a property may not be marketed as having a "scenic view" because that would discriminate against the blind; nor may it be said to have "walk-in closets" for fear of causing distress to the wheelchair-bound. These exaggerated sensitivities are not, apparently, concerned only with afflictions

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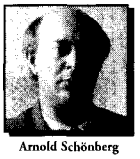
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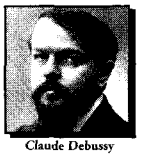
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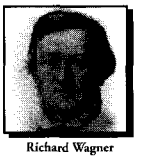
Richard Wagner

Hector Berlioz
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of the body. When English travel agent Dominic Speakman advertised for a "friendly" person to manage his company cafeteria, the government-owned employment agency to whom he sent the advertisement refused to post it. A spokesman for the employment agency gave the following explanation: "We prefer it if advertisements avoid the use of personality statements in order to avoid any possible discrimination." Or in other words: Imagine the offense such an ad might give to the obnoxious!

■ Queen Elizabeth celebrated her Golden Jubilee amid an outpouring of affection and admiration. People turned out in their millions all over the country to celebrate in halls, tents, and pubs, and on the streets. Understated yet heartfelt, it was all very British. The Queen herself rode through the streets in a historic gilded coach that is rarely used because its springs make those inside feel sea-sick. The park of Buckingham Palace was thrown open one night to thousands of lucky guests for a classical concert with such performers as Mstislav Rostropovich, and the next night for a pop concert. When Beatle Paul McCartney suggested that this ought to be an annual occasion, the Queen is said to have replied, "Not in my garden." The spontaneous emotion was all the more surprising because the media had indulged in weeks of party-pooping, almost longing for everything to flop. But 50 years of continuity speak for themselves. Blairs come and go, but the monarchy goes on forever.

■ First, the good news in the latest data from the National Center for Health Statistics: The teenage birthrate has fallen to its lowest level in 60 years. Last year's 5 percent reduction contributed to an overall decline of 26 percent in the teen birthrate since 1991. The highest reduction in birthrates was among black teenagers and high-school girls. Although the U.S. still has, by far, the largest teen birthrate in the industrialized world, studies show sexual abstinence among teenagers increasing, and the abortion rate decreasing. The bad news is that these virtuous teens' older sisters are behaving badly. The number of all births to unmarried women is up—to over 33 percent. Merely delaying unwed motherhood will do little to improve children's lives.

Grey Eminence

Karl Rove, whose fine Italian hand
Is found on missives that remand
Writs forwarded by biggies back
To whence they came (and sometimes sack
Uncovered backsides on the spot),
Has, lately, been all-thumbs a lot:
The Riordan boo-boo comes to mind,
And though one hates to be unkind,
Finessing global warming shows
A guy who's suddenly all-toes.

—W. H. von Dreele

■ When CNN's Larry King asked Andy Rooney about ex-CBS reporter Bernard Goldberg's book *Bias*, the *60 Minutes* star said, "I thought [Goldberg] made some very good points. There is just no question that I, among others, have a liberal bias. I mean, I'm consistently liberal in my opinions. And I think some of the—I think Dan [Rather] is transparently liberal. Now, he may not like to hear me say that. I always agree with him, too. But I think he should be more careful." It's far from breaking news, but it's nice to hear *them* say it.

■ George Stephanopoulos has been anointed the new host of ABC's flailing Sunday talk show, *This Week*. The media establishment has been politely pondering the appropriateness of a former hatchet-man's trying to fill the shoes of David Brinkley and going "head-to-head" with the esteemed host of NBC's *Meet the Press*, Tim Russert (another former Democratic aide, by the way, like scads of other TV journalists). William Kovach, chairman of the Committee of Concerned Journalists, told the *New York Times* that he found ABC's decision "depressing." "His career has been as a partisan," Kovach, a former aide to Robert Kennedy, explained. "Partisanship itself is fine in politics, but not in a journalistic forum." Stephanopoulos responds to such criticisms by saying, "Judge me by the interviews I've done and the interviews I'm going to do." In the first show after his elevation, the normal chit-chat panel at the end of the program had two new faces, Michael Eric Dyson and Patricia Williams. Both are professors, Dyson at U Penn, Williams at Columbia. Both come at racial issues from a hard-left perspective, Dyson specializing in "cultural studies" and Williams in "critical legal theory." Dyson is a voluptuary of gangster rap who has compared the deceased rapper Tupac Shakur to Martin Luther King Jr., arguing that Shakur emancipated blacks to display their pathologies without shame. Ms. Williams is an unapologetic feminist neo-Marxist and columnist for *The Nation*. By comparison, Stephanopoulos is indeed a moderate, unbiased reporter.

■ In a review of *The Russia Hand*, Strobe Talbott's account of his years as Bill Clinton's adviser on Moscow, *New York Times* columnist Bill Keller wrote that Clinton has a "life-force personality." Good political horseflesh, certainly. But why disturb the bones of George Bernard Shaw for this epithet? The reason is probably social. People in our Ivy League meritocracies have all seen Walker Evans's photographs, and they liked Patsy Cline when that was the retro thing to do. But so few of them actually know trailer-park types that when they meet a skirt-sniffing glad-hander like the 42nd president, they think, consciously, "This is *life*," and, unconsciously, "This is what I would do if I dared." Cc. Jonathan Alter, Joe Klein, et al., et al., et al.

■ Harvard University had a taste of jihad at its June 6 commencement. Not that there were terrorist attacks or suicide bombers among the gowned academics. According to Zayed Yasin, a senior who spoke at the ceremony, that sort of thing isn't what jihad means at all. In his address "Of Faith and Citizenship: My American Jihad," Yasin said that the Arabic word for "struggle" should be understood as "an individual

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struggle for personal moral behavior." Too bad Osama bin Laden doesn't practice *that*. Come to think of it, lots of Muslims think "jihad" means something rather less innocuous than Yasin's definition, which is why the announcement of the speech caused an uproar. Details of Yasin's selection as speaker heightened concerns: The professor who chaired the committee that chose him signed a petition calling on Harvard to divest itself of holdings in companies that do business in Israel; another member told students that "it is not a black and white issue that Hamas is a terrorist organization." Yasin himself publicly supports the Holy Land Foundation—a Hamas front whose assets the Treasury Department has frozen. Yasin eventually added to his speech a vague acknowledgement that Muslims with a different definition of jihad from his had committed great crimes. But that's as far as he went. Rather than confront the Islamist movement's ideology, the kid's defense of jihad-lite whitewashed it.

■ On the bright side, Harvard president Lawrence Summers became the first Harvard president in 33 years to speak at the commissioning ceremony of ROTC. It was in 1969 that the Faculty of Arts and Sciences, in response to student anti-war protests, voted to terminate all university connections with ROTC. Military officials are still prohibited from recruiting on campus, though Harvard students may now enroll in the program at MIT with financial help from an independent alumni trust. Yet Summers—who has proven himself as patriotic and politically level-headed as one could hope for in a contemporary elite university's leading man—has been consistently sympathetic to ROTC since he took office last year. "There are no students who are graduating this year of whom I am more proud," he said. An amazing sentence, and, we hope, the beginning of a change in academia's attitude toward the men and women who defend this country.

■ Mike Tyson's loss to Lennox Lewis ends his career as a serious fighter. When he was a teenager, Tyson had a devastating punch. But he would not discipline himself, and so when the punches failed to win him early knock-outs, he could not stay the course. Tyson will keep fighting fellow second-raters to make money; those unfortunate enough to cross his path outside the ring will suffer his usual medley of arrogance, self-pity, psychotic rage, and rape. He has become a bad boxer, as well as a bad man.

■ Eight years ago, Napoleon Beazley shot and killed John Luttig while stealing his car in Tyler, Texas. Since Beazley's guilt was never in doubt, his defenders instead pounded—and are still pounding—on the fact that he was 17 when he committed the crime. "I am astounded," declared Desmond Tutu, "that Texas [and other states] take children from their families and execute them." Perhaps Tutu should feel astounded by what happened on April 19, 1994, when that "child" followed 63-year-old John Luttig and his wife, Bobbie, into their garage. Beazley shot Luttig, then fired at Mrs. Luttig and missed. Then he shot Luttig a second time, fatally, in the head. As Mrs. Luttig played dead, the child assailant took their car on a brief joyride before crashing it a few blocks later. Napoleon Beazley, professing remorse, was executed by lethal injection on May 28.

■ On May 30, a five-member panel at London's Tate Galleries released its shortlist for the Turner Prize, now in its 18th year and worth £20,000. This year's nominees: Fiona Banner, who narrates the plot of a pornographic film entitled *Arsewoman in Wonderland*; Catherine Yass, a photographer of toilets; Liam Gillick, creator of what the *Daily Telegraph* describes as "a large maze-cum-bus shelter construction"; and Keith Tyson, who casts chicken parts in lead. In recent years, winning entries have included a painting of the Virgin Mary executed partly in elephant dung, and an empty room in which the lights flashed on and off. "There is no medium that can't be used," explains Tate Britain director Stephen Deuchar. We would venture to suggest still more ironic and postmodern nominees—for instance, why not allow the Turner Prize itself to win the Turner Prize?—but are too afraid one of them might actually win.

■ Young Graham Malham of Newcastle, England—undeterred by the fate of the wretched Faust—has offered his soul for sale on eBay. His asking price is ten pounds sterling, with "free posting and packaging" thrown in, as well as a contract written in blood. Mr. Malham, 26, has just emerged from college. "Four years of studying for an art degree have taken their toll on my finances," he explains. Nothing like the toll that Lucifer will take on your hide, Graham. ("Souls to Newcastle," commented one NR editor on hearing this story.)

AT WAR

Homeland Sideshow

COMPARING his action to Harry Truman's creation of the National Security Council and consolidation of the military at the dawn of the Cold War, President Bush proposed a new cabinet department, the Department of Homeland Security, better to protect America from future 9/11 attacks. Bush proposes to bring together free-standing entities (like the Federal Emergency Management Agency) and pieces of existing departments (such as the Coast Guard from Transportation, the INS from Justice, and Customs and Secret Service from Treasury) under one umbrella, with a $37 billion budget and almost 170,000 employees.

One improvement, right off the bat, would be to name the new department the Department of Defense, and rename the DoD the Department of War, an honorable name stretching from the tenure of Henry Knox to World War II. An accurate name, too, since we are now at war.

Sen. Kennedy's off-the-cuff reaction, that the reassembly of existing functions was like rearranging the deck chairs on the *Titanic*, was doubly infelicitous—why does the senator think America is sinking? why is Teddy Kennedy using aquatic imagery?—but agnosticism is in order. It is sensible to put in one place all the people immediately responsible for control-

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ling the borders, and those who cross over them—the INS, Customs, and the Coast Guard. Tom Ridge, head of the current *Office* of Homeland Security, called this "one face at the border." Even more sensible would be making sure that that face is stern and beady-eyed. Neither our consular agents abroad, nor the INS, have the resources or the will to scrutinize visa applicants, or to chase down illegal entrants. Producing the right mindset will require more money, more people, and a tougher line from the top.

Some other inclusions and omissions in the new department are more puzzling. What would the Lawrence Livermore National Laboratory do in its new home? The new department will have a limited intelligence function, but it's unclear how a new intelligence organization will help when the existing ones have not been sharing information. It's more important to simply reform the FBI and the CIA—and to empower them to do their work properly.

The worst effect of setting up a new department would be to create an air of bustle while hard choices remain unfaced. Our hang-ups about profiling must be abandoned. Pilots should be armed. Such moves will offend ethnic lobbyists, America-last lawyers, and gun-phobes, moral arbiters in the "blue" counties pre–9/11, and still potent in elite circles. They will be harder to deal with than the Border Patrol union.

The hardest choice will be to carry on the war abroad. President Bush recognized the need to do so in his speech: "The first and best way to secure America's homeland is to attack the enemy where he hides and plans." Regime change in Iraq and (to be polite) regime modification in Saudi Arabia will require intense military and diplomatic efforts. It will do more to defend America than giving Tom Ridge or his successor a seat at the cabinet table.

AIRPORT SECURITY

The Case for Discrimination

EDGARDO CUREG was about to catch a Continental Airlines flight home on New Year's Eve when he ran into a former professor of his. Cureg lent the professor his cell phone and, once on board, went to the professor's seat to retrieve it. Another passenger saw the two "brown-skinned men" (Cureg is of Filipino descent, the professor Sri Lankan) conferring and became alarmed that they, and another man, were "behaving suspiciously." The three men were taken off the plane and forced to get later flights. The incident is now the subject of a lawsuit by the ACLU.

Several features of Cureg's story are worth noting. First, he was treated unfairly, in that he was embarrassed and inconvenienced because he was wrongly suspected of being a terrorist. Second, he was not treated unfairly, because he was *not* wrongly suspected. A fellow passenger, taking account of his apparent ethnicity, his sex and age, and his behavior, could reasonably come to the conclusion that he was suspicious. Third, passengers' anxieties, and their inclination to take security matters into their own hands, increase when they have good reason to worry that the authorities are not taking all reasonable steps to look into suspicious characters themselves. If airport screeners do not profile passengers with characteristics similar to those of the terrorists who attacked us—if, as seems to be the case, they go so far in the other direction as to subject people who do not have those characteristics to greater scrutiny—then the passengers will do some profiling on their own.

Racial profiling of passengers at check-in is not, of course, a panacea. John Walker Lindh could have a ticket; a weapon could be planted on an unwitting 73-year-old nun. But profiling is a way of allocating sufficiently the resources devoted to security. A security system has to, yes, discriminate—among levels of threat.

Profiling is not the only way that differential treatment of passengers could improve the efficiency of airline security. Why not create a two-tier system, in which passengers who are willing to provide more information to the screeners (carrying a biometric identifier, say) could pass through security more quickly? Such a system would not be foolproof, of course. But it would reduce the inconvenience for frequent flyers—for everyone, actually—while respecting the sensibilities of those travelers who are loath to give up more privacy.

Since September 11, we have heard a lot about the trade-offs, real and imagined, between liberty and security. But the current airport security arrangements achieve neither. They are intrusive without being reassuring. Surely we can do better.

THE CATHOLIC CHURCH

A Call to Repentance

THE American Catholic bishops met in Dallas on June 13-14 to consider the priest sex-abuse scandals. Their draft statement was all that was available to NR at press time, and, like many such statements, it was a mixed bag.

The Church decided to square itself with the state. The bishops pledged to report all accusations of the sex abuse of minors to the proper authorities, and to cooperate in investigating them. They also pledged to advise victims of their right to go to the cops. In essence, the Church promised to avoid behaving as a bullying and secretive in-group—the very stuff of 19th-century nativist accusations—and to render unto Caesar what is Caesar's. For this reason, the bishops' draft was welcomed by prosecutors.

Did the bishops square themselves with the faithful, and with morality? At one point, their draft was naïve. They want the ministerial status of priests who, in the past, abused only one minor, but who were not diagnosed as pedophiles, to be determined by a diocesan review board, with a majority of laymen. But how many molesters strike only once? La Rochefoucauld said that some women have no affairs, but none have just one. The same is true of child molesters.

The priest sex scandals implicate more than the wicked priests who are at fault. A selfish and blinkered hierarchy pro-

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tected these men, and passed them around like counterfeit money. The bishops are now vowing not to arrange weaselly confidentiality agreements, or to prettify the résumés of offending priests. But no one, in the bishops' proposed reforms, guards the guardians, and none of the culpable princes of the Church has been called to account. Bernard Cardinal Law, the enabler of the odious Fr. Paul Shanley, still holds his archbishopric, as do others, equally at fault. No one said a word about the gay-bar culture of some seminaries.

American Catholic laymen have not gotten much help from Rome. *La Civiltà Cattolica*, a Roman Jesuit journal, blames the whole scandal on Catholic-bashing journalists. So does Oscar Cardinal Rodriguez Maradiaga of Honduras, a possible successor to John Paul II, who said rascally newspapermen were persecuting the Church in America, in the manner of Nero, Hitler, and Stalin. No, your Eminence: Those men murdered Catholics. The problem in America is that priests have been raping Catholics. No doubt the *Boston Globe* and the *New York Times* have been pleased to stick it to an old and favorite enemy. Too bad the Catholic hierarchy has been doing their work for them. The strongest cries for love and justice are coming from the pews, not the press; and they are directed not just at the offending priests, but at the bishops.

■ NOTES & ASIDES ■

■ Dear Mr. Buckley: In your obituary for Ernest van den Haag (April 22), it is noted that a favorite activity of his was to invite friends to a French restaurant with the understanding that they would pay the check.

That's new meaning to "going Dutch."

Sincerely,
Ralph Slovenko
Detroit, Mich.

■ Dear Mr. Buckley: Ms. Whitfield's note on "if/were" (April 22) misstates the rule, and consequently appears to give Microsoft a bad rap.

The rule is to use the subjunctive after "if" when the "if" clause states a wish or other contrary-to-fact condition, the classic example being, "If I were king . . ." But when the "if" clause presents a potentially factual hypothesis, as in "If it was Tuesday we were in Belgium," then the indicative mood is used.

I tried examples of both in Word 2000, and the grammar-checker easily and correctly distinguished between the two.

It is certainly possible that Ms. Whitfield was using an older version of Word with a less sophisticated checker, but I fear she was either misapplying the rule or using a more subtle example than either of those I've cited here.

Sincerely,
(Fr.) Wm. D. Loring
Danbury, Conn.

Dear Father Loring: Microsoft stands absolved.

Cordially, WFB

■ Dear Mr. Buckley: Concerning the discussion about "dieresis" (April 8): Perhaps the advent of the hyphen is due to the fact that computers have overtaken (or, earlier, typewriters overtook) handwritten communication, and that the American keyboard has no keys for any vowel with a double dot placed over it.

The German umlaut, as you know, is also denoted by the double dot over the vowel. German keyboards without the required keys necessitate the use of "ae," "oe," and "ue." It makes for a somewhat awkward and inelegant construction both in German and English.

In fact, in German handwritten communication, one would never find anything but the double dot to denote the umlaut.

But there it is: The keyboard has forced our hand (or rather our fingers).

Horst R. Brakel
New York, N.Y.

■ Dear Mr. Buckley: I have just this morning read a query from another Notes & Asides reader (April 8) who wondered just where you stood on the Shakespeare/Bacon argument.

Having recently read a book entitled *Essays and Sketches of Mark Twain* (published by Barnes & Noble), which contains a most engrossing chapter on the topic (taken from Twain's autobiography), I am now of a most *definite* opinion on this. Bacon may not be the true author, but Shakespeare could hardly be a more unlikely candidate.

The chapter in question is entitled "Is Shakespeare Dead?" I defy anyone to read this essay and come away undecided as to whether William Shakespeare truly was the author of the works attributed to him.

Twain lays out the case both for and against Mr. Shakespeare and Mr. Bacon in such a clever, logical, and occasionally amusing way that I now positively flinch whenever I hear Shakespeare's name spoken.

Cordially,
Kathy McCabe
Fremont, Calif.

Dear Ms. McCabe: A lot has been written on the subject post-Twain, the skeptics focusing on Edward de Vere, the Earl of Oxford, as the likely author. But many people have read Twain *and* his successors and nevertheless opine that Shakespeare was Shakespeare.

Cordially,

—WFB

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■ AT WAR ■

Our Ally, Our Problem

Pakistan is an exceptionally hard case—here's what to do

MARIN J. STRMECKI

As the Bush administration moves into the next phases of the war against terrorism, it will need to confront a profoundly difficult problem: Pakistan is at the same time an indispensable partner in that war and a principal and continuing source of the terrorist threat. The al-Qaeda network, created in Pakistan in 1989, was nurtured by Islamists in the Inter-Services Intelligence agency (ISI) and the military. Ultimate victory in the current conflict will require a concerted strategy to purge the Pakistani government of the elements that facilitated the rise of al-Qaeda.

The genesis of Pakistan's role in the jihadist terror network was President Zia ul-Haq's shift toward Islamist ideology in the 1980s. Interpreted in the West merely as an attempt to legitimize his military rule, Zia's adoption of Islamist views was in fact part of a wider political and geostrategic vision: He sought to use radical Islam to conquer Afghanistan through proxy forces and to create an alliance with states such as Iran and Saudi Arabia. The objective was to create an Islamist coalition—one that combined Pakistani nuclear weapons and the oil wealth of the Persian Gulf—that would serve as a "dagger" aimed at India and that would expand its influence into Central Asia.

By the early 1980s, the ISI was busily executing Zia's vision. U.S. aid to the Afghan resistance was channeled overwhelmingly to fundamentalist groups within that movement. A partnership was struck between the ISI and Saudi Arabia's intelligence service to fund a program to bring jihadists to Pakistan from throughout the Islamic world, to be trained in paramilitary tactics and to participate in the war in Afghanistan. Osama bin Laden took up residence in Peshawar in 1984 to run the so-called Services Office that facilitated the involvement of foreign fighters; it was this office that eventually morphed into al-Qaeda. At the same time, Saudi money supported the creation of thousands of madrassas (religious schools) in Pakistan, whose best graduates were to be recruited into the jihadist movement.

Pervez Musharraf by Roman Genn

In the mid 1990s, these efforts culminated in the ISI's forging the alliance between al-Qaeda and the Taliban regime, itself a client-state of Pakistan. The ISI arranged the initial meetings between bin Laden and Mullah Omar, brokered their partnership, and facilitated the fusion of their military and paramilitary organizations. The ISI benefited from the arrangement by training Kashmiri guerrillas in the al-Qaeda camps in Afghanistan.

While President Pervez Musharraf replaced the leaders of the ISI after September 11, evidence suggests that the Islamist elements associated with the agency are not reconciled to defeat. Hamid Gul, the former head of the ISI who is said to retain influence over the true believers in the agency, has vocally opposed Musharraf's cooperation with the United States. Al-Qaeda operatives and leaders—including the recently arrested Abu Zubaida and perhaps even bin Laden—have been hiding in safe houses in Pakistan, many of which were established under the auspices of the ISI.

The threat in Pakistan stems not from popular support for the Islamist cause—radical parties typically receive 5 percent of the vote in national elections—but from Islamist influence in the military and intelligence services. Therefore, the U.S. response should focus on finding points of leverage to purge this influence and on returning Pakistan to the moderate and secular path from which it departed under Zia.

Musharraf is a vital—but profoundly flawed—vehicle for such a strategy. He was the leader of Pakistan's reckless military adventure at Kargil in 1999 and was involved in Islamist charities that funneled support to al-Qaeda. At the beginning of the current war, he only reluctantly supported the United States, describing his decision as the lesser of two evils. Yet as a result of this choice, he has crossed the Rubicon. The Islamists in his government and society view him as a traitor; he cannot go back. This means that the United States is in an ideal position to enforce its demands on him.

To date, the Bush administration's strategy vis-à-vis Pakistan has fluctuated between living in denial about Islamabad's role in terrorism and playing hardball by levying non-negotiable demands on its leader. What is needed is a rollback strategy—one that offers help to address the internal and external pressures on Musharraf's government at the price of cleaning out the Islamist influences in key institutions.

First, the United States should do what is necessary to destroy the dream of a rising Islamist coalition that has animated Pakistani radicals since Zia. While the destruction of the Taliban regime was a vital first step, the United States should work to ensure that a moderate, pro-Western regime takes

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power and succeeds in Afghanistan. The United States should also use its influence with such a government to promote friendly relations with Pakistan and ease Islamabad's fear of a two-front threat from India and Afghanistan.

The last hope of Islamist opponents of Musharraf is to stage a comeback in Afghanistan through a Pashtun nationalist backlash against the Tajik-dominated interim government created under U.S. power. The danger is real if the Bush administration fails to adjust its policies. Yet if the United States uses the current Afghan tribal assembly to redistribute control over the power ministries—and particularly if it creates a nonpolitical and professional military—the likelihood of a Taliban comeback will be substantially undercut.

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As a result of his choice to support the U.S., Musharraf has crossed the Rubicon.

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At the same time, the United States should use the current crisis between Islamabad and New Delhi to destroy the prospects that Pakistan can make gains in Kashmir by employing Islamist paramilitary groups. In recent weeks, President Bush has rightly insisted that Musharraf live up to his pledges of last December to shut down the ISI-created Kashmiri insurgent organizations operating in Pakistan. Musharraf's backsliding on those commitments—for example, by arresting and then releasing the radical Islamists behind these movements or by recreating them under new names—led to the current crisis.

Because Pakistan cannot win a war with India, Musharraf is in a box. The United States should intervene diplomatically to ease his predicament, but exact a price for its help. Furthermore, the Bush administration should also make clear that the U.S. will address Islamabad's interest in resolving the Kashmir question in the future only if the Islamist insurgencies are permanently curtailed. By these actions, the United States can demonstrate that Zia's Islamist vision for achieving greatness for Pakistan is a dead end.

Second, the United States should engage Musharraf in an effort to purge Pakistan's military and intelligence services of dangerous influences. Below the senior leadership, the ISI remains a hornet's nest of radical Islamists. This state within a state has close ties with retired ISI personnel—particularly those around Hamid Gul—and Islamist political parties. They appear to be trying to foment general insecurity in order to reduce the Western presence that serves to support Musharraf's government. The recent attacks on churches, the murder of Daniel Pearl, and the fatal bombing of French engineers may stem from this strategy. Their hope is that, once isolated, Musharraf will be more easily toppled through a combination of street protests and an internal coup.

Third, the Bush administration should be far more generous in offering to help rebuild Pakistan's secular school system. The thousands of madrassas in Pakistan funded by Saudi Arabia create a breeding ground for Islamist opposition to Musharraf and recruits for the international jihadist movement. The initial $36.5 million U.S. aid program is just a down payment on what is needed.

Fourth, the United States needs to look for ways to restore civilian and constitutional rule in Pakistan without destabilizing the country. Though Pakistan has always been a difficult partner even under civilian governments, the natural allies for the United States are its secular political parties, not the generals with imperial aspirations. The process of transition should be structured so that Musharraf has the burden of dismantling the Islamist presence in the Pakistani government, ending ISI interference in domestic politics, and creating the mechanisms for genuine civilian control over national-security policy. Only then will a shift to civilian rule involve a genuine transfer of power.

A strategy for rollback of Islamist power in Pakistan is as important as the defeat of the Taliban regime. The Taliban and al-Qaeda—both created in Pakistan with the assistance of the ISI—were manifestations of a radical political project that has not yet been fully defeated. Stability in the region—and victory in the war against terrorism—can only come once the imperial dream of Zia ul-Haq has finally died. **NR**

■ AT WAR II ■

Remember the *Caroline*!

The doctrine of 'anticipatory self-defense'—more relevant than ever

DAVID B. RIVKIN JR., LEE A. CASEY & DARIN R. BARTRAM

As night fell on December 29, 1837, a small British force crossed the Niagara River from Canada into New York. Their mission was to destroy the American steamboat *Caroline*, which had been carrying supplies to a group of Canadian insurgents. The *Caroline* was boarded, fired, and set drifting downriver, towards the Falls. At least one U.S. citizen was killed, several were wounded, and the U.S. came close to war with Britain. Rather than trigger war, however, the "*Caroline* incident" spawned the modern international-law doctrine of "anticipatory self-defense," a doctrine on which the U.S. now intends to rely heavily to justify military action against terrorist states. Speaking at West Point's recent commencement, President Bush laid out the compelling policy justification for this doctrine, noting that "we must take the battle to the enemy, disrupt his plans, and confront the worst threats before they emerge." Far-reaching changes in strategy and force posture are already being made in order to implement this doctrine.

The rule of anticipatory self defense, as described in the correspondence between Britain's Lord Ashburton and America's secretary of state Daniel Webster over the *Caroline* incident, holds that a state need not absorb an enemy's attack, but may anticipate it

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and lawfully strike first. In accepting the British explanation that the *Caroline* was destroyed in "self-defense," because she would otherwise have continued to assist the Canadian rebels, Webster articulated the circumstances in which the doctrine properly applies: where the need is "instant, overwhelming, and leav[es] no choice of means and no moment for deliberation."

Anticipatory self-defense had been a common practice even before the *Caroline*. In 1587, for example, Queen Elizabeth I sent a fleet, under Sir Francis Drake, to attack Spanish and Portuguese harbors in a preemptive strike against the "Invincible Armada." Forty years later, international-law theorist Hugo Grotius acknowledged the practice as a rule of law.

For all that, however, anticipatory self-defense remains controversial. The European view generally appears to be that a U.N. Security Council resolution is necessary before armed force can be employed. A number of European leaders claim that force can be used only to repel an armed attack on one's territory. But this position—which would require states to wait until the smokestacks of an enemy fleet rose over the horizon and the first broadside was fired before responding—was hopelessly unrealistic even a century ago. Today, when advance warnings may be calculated in seconds, rather than weeks or days, it is all the more so.

Nevertheless, opponents of the anticipatory-self-defense doctrine appear more concerned with the possibility that it could be abused—by states seeking to cloak aggression in the mantle of self-defense—than with the increasing danger that a delayed response will result in disaster. These criticisms are often laced with a heavy dose of anti-Americanism, since the U.S. is currently viewed as the most obvious beneficiary of the anticipatory-self-defense rule.

Some commentators argue that allowing states to attack based upon suspicions or intelligence warnings would make the use of force a more frequent occurrence; their underlying assumption is that misperceptions, mistakes, and hair-trigger military postures—the World War I mentality—are destabilizing and the main causes of wars. When pressed for modern examples, they describe the current Pakistan–India standoff as an illustration of the dangers posed by preemptive military postures. These criticisms, however, are misplaced. The real danger in today's world comes from rogue regimes and terrorist organizations that don't care about international law, and whose propensity to use violence is not affected by game theory or exegeses of international treaties. Such regimes and groups understand only the language of military force. A robust preemptive posture offers the best hope both of deterring them and, if necessary, of defeating them.

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A robust preemptive posture offers the best hope of deterring rogue regimes.

■

Perhaps recognizing the weakness of their policy arguments, opponents also advance legal claims. They argue that the anticipatory-self-defense doctrine, however venerable or consonant with the national interest, did not survive the 1945 adoption of the U.N. Charter—which requires all U.N. members to "refrain in their international relations from the threat or use of force" and limits its application of the "inherent right of individual or collective self-defense" to circumstances in which an armed attack already has taken place. This argument, however, relies on a crabbed reading of the charter, and reflects the erroneous (albeit widely held) view that the charter superseded the entire preexisting body of international law.

Moreover, the notion that anticipatory self-defense is barred by the U.N. Charter has not been supported by the actual practice of states in the years since the U.N. was established. And that, in the final reckoning, is the critical question. Anyone attempting to determine what international law truly provides on any particular point would do well to heed the Marquise de Merteuil's maxim in *Les Liaisons Dangereuses*: Don't listen to what people tell you, watch what they do. Here, the evidence is overwhelming that the traditional law of anticipatory self-defense survives. In 1967, for example, Israel preemptively struck Egypt, Syria, and Jordan, rather than suffer the attack of their massing forces; Israel was neither condemned nor sanctioned by the U.N. for this action. Similarly, she attacked and destroyed an Iraqi nuclear-power facility in 1981, again citing "self-defense" as justification; this time, Israel's action was condemned in the Security Council, but no action was taken to address the supposed "aggression." Recalling the marquise's maxim, this strongly suggests a fundamental recognition that Israel acted in accordance with her rights under international law to anticipate, and foil, attacks before they were launched.

Israel has not been alone in exercising this right. In 1962, the U.S. blockaded Cuba to prevent the delivery of Russian offensive missiles that would have been targeted on its territory. In 1986, President Reagan ordered attacks against terrorists in Libya to prevent them from acting against U.S. interests. In 1982, Britain claimed a 150-mile exclusion zone around the Falkland Islands as a preventive measure. In 1983, Sweden asserted the right to use armed force against any foreign submarine sailing within 12 miles of her territorial sea. All of these actions can be justified only by a right of anticipatory self-defense.

It is highly important that the U.S. continue to advance a robust view of anticipatory self-defense in international councils, so as to ensure the doctrine's future vigor and its ability to undergird needed American foreign-policy actions. Indeed, in the post–September 11 world, in which fanatical terrorist organizations and rogue regimes are relentlessly seeking access to weapons of mass destruction—and many of them have pledged to use them against the U.S.—the conditions laid out by Daniel Webster in his articulation of the *Caroline* doctrine can be met all too easily.

Unfortunately, as President Bush pointed out, even the strongest deterrence "means nothing against shadowy terrorist networks with no nation or citizens to defend," and containment "is not possible when unbalanced dictators with weapons of mass destruction can deliver those weapons on missiles or secretly provide them to terrorist allies." This is not to say, of course, that we should not seek to bolster deterrence even against

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these threats; vigorous articulation of the anticipatory-self-defense doctrine may well enhance deterrence against misbehavior by at least the more rational of the world's villains. To the extent that deterrence fails to deal effectively with these threats, the preemptive strike is the only viable option.

Thus, the president will soon have to decide whether, and when, the U.S. should go beyond the current containment strategy and use military force against Iraq, and possibly against Iran and North Korea as well. All three have serious nuclear ambitions, hate the U.S., and are ruled by men who appear to be beyond deterrence—if not in all circumstances, at least in some. In each case, the U.S. certainly could seek U.N. authorization for the use of force, but that authorization is not likely to be forthcoming. And, given the nature of the dangers, there may not be time even to attempt to convince the U.N. that action is needed.

In any case, no president should surrender the decision whether and when to use military force to protect American interests to the U.N. Security Council or to any other international body. He is responsible to the American people for implementing one of the key purposes of the federal Union: to "provide for the common defense." Obviously, the U.S. should always act as part of a coalition when it can, but has to be prepared to act unilaterally when it must. The legal doctrine of anticipatory self-defense gives it that right. The *Caroline* doctrine also requires that the anticipatory-self-defense response be proportional to the threat, involving "nothing unreasonable or excessive." However, given the availability of weapons of mass destruction to terrorists and rogue states, the U.S. should not be appreciably hampered by this consideration. The U.S. response to a hostile dictatorship that is seeking to acquire weapons of mass destruction can be decisive and lethal; seeking a regime change would be perfectly appropriate. **NR**

■ **PUBLIC POLICY** ■

Clone Wars, Part II

Other fronts, other battles

RAMESH PONNURU

If the science of cloning is advancing rapidly, the politics of it are changing almost as fast. We've come a long way from the debates of the summer of 2001. Then the question was whether the federal government should fund research on stem cells taken from human embryos. The embryos would be destroyed in the process, but funding supporters reasoned that it was acceptable to destroy fertility clinics' surplus embryos.

Hydrogen Peroxide Can Heal What?

(SPECIAL) – Medical science has discovered that hydrogen peroxide is more than just a disinfectant, it's an amazing healer. Many doctors are using hydrogen peroxide to treat a wide variety of serious ailments such as: **heart problems, clogged arteries, chest pain, allergies, asthma, migraine headaches, vascular headaches, cluster headaches, yeast infections, type II diabetes, emphysema, chronic pain syndromes, and more.**

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- **Ease the PAIN OF RHEUMATISM**
- **Clear up FUNGUS and MINOR INFECTIONS**
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- **Treat BRUISES and RASHES**
- **Soothe ACHING MUSCLES, JOINTS & SORE FEET**

Hydrogen peroxide is truly amazing. Scientists have found it is involved in virtually all of life's vital processes. It stimulates the immune system, helps your body fight off viruses, parasites and bacteria. It also regulates hormones and is involved in the production of energy in the body's cells. That's just a few of the amazing things it does.

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- **A powerful bleaching formula for formica**
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You'll learn all this and more in this remarkable book. In addition, you also get an extensive list of qualified doctors across the United States and even some in Canada who regularly use hydrogen peroxide in their practices to treat serious ailments.

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Many of these supporters said, however, that they opposed the creation of embryos for research purposes.

"Private companies are creating embryos specifically for stem cells, and I think that's a very bad idea . . . which gets on the path of cloning," Sen. Arlen Specter told Fox News in June 2001. Sens. Tom Daschle, Chris Dodd, Tom Harkin, and Orrin Hatch all said similar things. In July 2001, the House of Representatives voted 265–162 to ban human cloning for any purpose.

The bipartisan consensus against cloning proved short-lived. The Senate has not followed the House's lead on cloning. Indeed, all of the senators mentioned above now favor precisely what they once forswore: the creation, through cloning, of human embryos for research purposes. And they are all opposed to Sen. Sam Brownback's bill banning cloning entirely. Specter and Hatch are leading sponsors of a bill that would allow the cloning of embryos for research but forbid their implantation in a woman's womb. Scientists would be allowed to clone human embryos, so long as they destroy them in the process of research rather than let them develop into fetuses. Thus the National Right to Life Committee calls it a "clone-and-kill bill."

What will be the subject of next year's debate? Sen. Byron Dorgan's bill may offer a foretaste. It allows cloning and even implantation in the womb so long as these things are not done "for the purpose of creating a cloned human being." The bill does not define the term "human being," but it appears to open the door to developing cloned human *fetuses* for research.

■

The bipartisan consensus against cloning proved short-lived.

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Pro-life opponents of cloning regard the changed political environment as evidence that we're sliding down a slippery slope. But it could also be seen as a natural result of politicians' having to think on their feet about a new and challenging subject. The Supreme Court, which relieved them of the responsibility of arguing about embryonic human life in the abortion debate a generation ago, has not settled the status of cloning.

Hence the debate over cloning is robust. But it is stuck in questions of terminology. At first, the proponents of cloning for research created the phrase "therapeutic cloning," as distinguished from the "reproductive cloning" most of them oppose. In both cases, the procedure for cloning was the same: The cloner would remove the nucleus from an egg cell and replace it with the nucleus of a cell from the person he is cloning.

The term "therapeutic cloning" has fallen out of favor. For one thing, cloning research may not result in immediate benefits for patients (e.g., transplants developed from their clones). In January, a panel of the National Academy of Sciences argued that "the greatest benefit" of cloning would be the ability to study the progress of genetic diseases in cloned embryos.

The major drawback of "therapeutic cloning," however, is that it includes the unpopular C-word. The new tactic is to replace that phrase with such technically accurate, though incomprehensible, terms as "somatic cell nuclear transfer" and "nuclear transplantation." Specter's bill redefines cloning as the act of implanting an embryo created by nuclear transplantation. He can therefore say that his bill bans cloning. Even Sen. Dorgan's bill is called the "Human Cloning Prohibition Act."

This semantic sleight of hand has caused a fair amount of confusion. So has simple ignorance. In a February interview with Tim Russert, Sen. Dianne Feinstein kept saying that her own bill would "clearly make it illegal to inject one of these stem cells into a woman's uterus" to create a pregnancy. Nobody besides Feinstein has ever maintained that injecting a stem cell into a uterus would result in pregnancy. An embryo could be destroyed to get its stem cells, or it could be implanted to start a pregnancy.

Other lowlights of the debate include Sen. Hatch's remark that "it would be terrible to say because of an ethical concept that we can't do anything for" patients, and Sen. Specter's response, upon being asked when he believed life began: "I have not found it helpful to get into the details."

The Senate has reached a stalemate, with around 43 votes estimated for Specter's bill and 43 for Sam Brownback's ban on all human cloning. Hatch's decision to join Specter in late April was a minor coup for the pro-cloners, since Hatch is a pro-lifer and had pledged to oppose cloning during a primary challenge in 2000. In early June, liberal senator Mark Dayton stopped co-sponsoring Dorgan's bill after learning about its radicalism. Otherwise, the senators remain frozen in place.

To round up more senators, Specter is presenting his bill as a compromise. Since everyone agrees on banning reproductive cloning, why not enact that ban and argue about research cloning later? The pro-cloners have made some concessions. Their leading bill no longer explicitly prohibits states from banning all cloning, for example.

But pro-lifers reject in principle any compromise that entails a federal man-

The Right Reaction
NATIONAL REVIEW

"I can only hope that the civil-rights division . . . will not make policy and personnel decisions based upon the wishes [and] recommendations of National Review."

—Sen. Ted Kennedy refers to John J. Miller's "Fort Liberalism" (NR, May 6, 2002) during Judiciary Committee oversight hearings of the Department of Justice's civil-rights division.

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date to destroy cloned human embryos. They also believe, with the Justice Department, that such a ban would be unenforceable. It would be impossible to tell whether an embryo was being created for reproductive purposes or research purposes, and impossible to tell whether an embryo being implanted was a clone.

President Bush's bioethics commission is, at this writing, as stalemated as the Senate. This is surprising: It was widely assumed that the commission would be stacked against cloning, given that both Bush and scholar Leon Kass, the chairman of the commission, oppose it. But Kass preferred to hold a seminar of smart, knowledgeable people without a majority committed to any position. As a result, the commission could end up undercutting Bush's position.

The pro-cloning forces have a lot going for them. The biotech industry has plenty of money. It's said that cloning might lead to treatments or cures of illnesses from which many Americans suffer—including celebrities and relatives of politicians who can be enlisted as lobbyists. The pro-abortion movement is a powerful group that is bound to oppose any suggestion that the destruction of human embryos can ever be prohibited.

On the other side are pro-lifers and a smattering of environmentalists concerned about "the commodification of human life" (biotech firms have acquired patents on cloned embryos). The public, while not being particularly knowledgeable about the issue, seems to oppose cloning human beings. A May Gallup poll found that 61 percent of the public opposed cloning human embryos for biomedical research while only 34 percent supported it.

Cloning has become an issue in a few Senate races. In Missouri, Republican Jim Talent is criticizing incumbent Democrat Jean Carnahan's support for cloning in his stump speeches. Tim Johnson, a South Dakota Democrat, is on the defensive about his co-sponsorship of Dorgan's bill. The state legislature voted almost unanimously to ban all cloning, and the National Right to Life Committee has run ads against Johnson. In June, the state Democratic party started running ads in response.

Maybe voters will break the stalemate. **NR**

■ **CULTURE WATCH** ■

Video Poker, Flushed

Or, the rotting of a 'fruit machine'

DAVE SHIFLETT

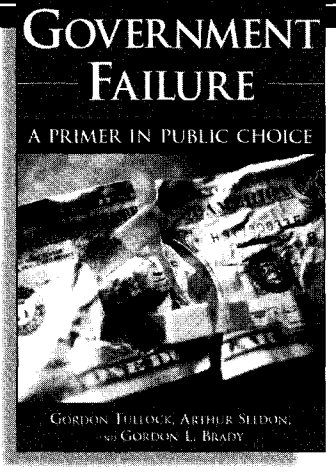
THESE are bad days for the most highly developed members of Georgia's gambling community. By order of the state's highest court, video poker—a.k.a. the "crack cocaine of gambling"—is about to vanish like a mud puddle beneath the pitiless summer sun. Machines must be out of the state by month's end, forcing gamblers to find other outlets, such as the lottery, five-card stud (a game of true skill), various workplace pools, and placing bets on whether the weatherman is correct.

Georgia isn't the first place to have second thoughts about video poker. The machines that created a $1 billion-a-year industry in Jimmy Carter's home state had migrated across the border from South Carolina after being banned there two years ago. Some of these Bedouin machines are now heading for West Virginia, where they will work their magic on the populace in Rockefeller country, and also activate a built-in counter-constituency.

Indeed, wherever they turn up, video-poker machines incite stiff reaction, and not only from religious activists. Consumer types are now on the attack, and the trial-lawyer industry is testing the teats of this potential cash cow. "Georgia fought video poker like it was the bubonic plague," Tom Grey, head of the National Coalition Against Gam-

Mr. Shiflett is a writer living in Midlothian, Va.

Government Earns an F in Econ 101



Government Failure: A Primer in Public Choice
Gordon Tullock, Arthur Seldon, and Gordon L. Brady
185 pages/cloth $18.95/paper $9.95

When market forces fail us, who will step in to protect the public interest? The government, right? Wrong. This romantic view of bureaucrats coming to the rescue confuses the true relationship between economics and politics. Politicians often cite "market failure" as justification for meddling with the economy, but a group of leading scholars show that this view of an omniscient government correcting an imperfect market is badly mistaken. In *Government Failure,* the authors introduce the basic concepts of this school of study, known as "public choice," which uses the tools of economics to judge government behavior and shows the folly of excessive faith in the state.

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bling Expansion, told me. "In South Dakota, the governor promised the largest tax increase in history if machines were outlawed, because that's what it would take to make up the lost revenue. Even with that threat, 48 percent of voters said, 'Tax us higher, just get those machines out of our state.'"

What is it about these machines that inspires such wrath? The chief complaint is that they are very good at fulfilling their primary mission: separating dopes from their money. There are few sights more pathetic than watching a poker drone feed dollars into one of these machines, which combine the promise of quick riches with the American capacity for staring at a tube for ten or so hours without blinking. And while many will reasonably agree that a dope should be allowed to throw his money in pretty much any direction he chooses, the problem—from a public-policy standpoint—is that the world is full of dopes, and that the video-poker industry has shown itself to be expert at placing at least one machine within a few blocks of each and every one of them. In South Carolina, video gaming exploded after a court ruled in 1991 that the machines were legal; by the time the campaign against them hit full stride later in the decade there were 30,000 of them in 6,500 locations.

While religious activists are at the core of the opposition, even secular strongholds such as the Netherlands are convinced that video slots (and regular slots) are just too good at their job. Last year, Holland ordered companies to rig the machines to accept a coin every 3.6 seconds instead of every 3.5 seconds. All told, 13 adjustments were ordered. Similarly, Dr. Mark Griffiths, a University of Nottingham researcher, has come to the conclusion that the "fruit machines" are designed to be addictive. "Event frequency is critical—how many times you can gamble in a given time period," he told reporters. He adds that no stone is left unturned in the effort to hook suckers. "Researchers have shown that by spraying machines with certain smells, they can increase the take of the machines. Empirical research shows people gamble more under red lights than they do [under] blue lights." They also patronize machines that feature established brand names. Homer Simpson, he reports, is affixed to the most profitable slots in England.

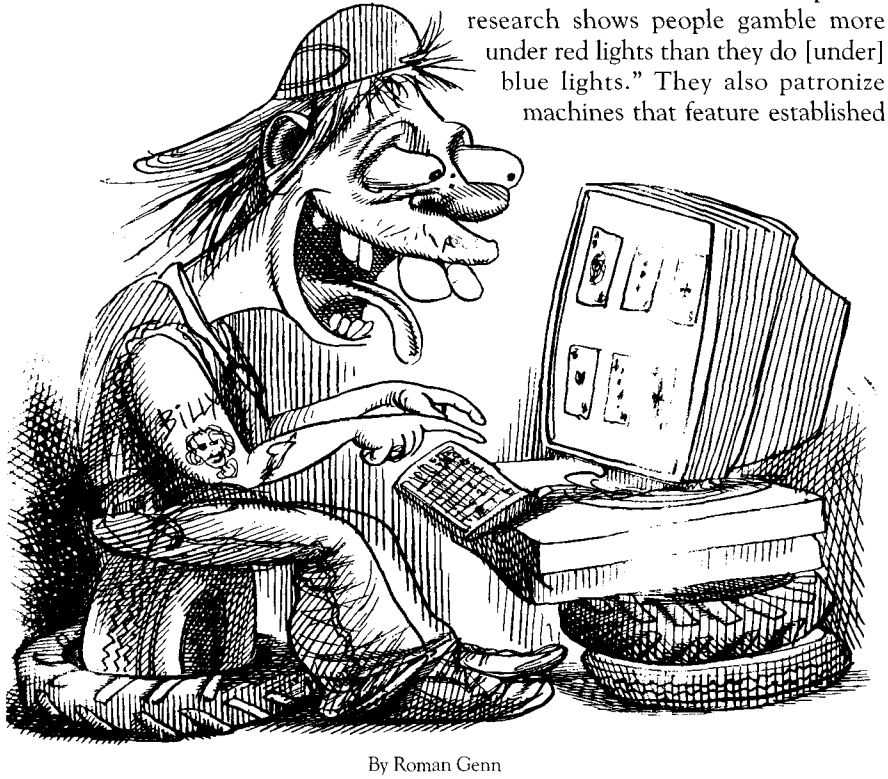
The chief complaint is that video-poker machines are very good at fulfilling their primary mission: separating dopes from their money.

The addiction angle is the opposition's club of choice, perhaps because it sounds better to modern ears than denouncing gambling as a sin. The antis gleefully supply empirical support for their charges. When South Dakota shut down the state's 8,000 video slot machines for three months, calls to gambling help lines fell 97 percent, according to a study published in the *South Dakota Journal of Medicine*. A wider indictment is found in a 1997 Connecticut Department of Revenue study, which discovered that 47 percent of gambling patrons were problem or pathological gamblers. The Institute for Problem Gambling says 30.4 percent of gambling revenues in seven states and provinces in the United States and Canada come from problem and pathological gamblers, and even the Harvard Medical School hikes a leg: Its study found that 1.6 percent of adults have what it calls a Level 3 gambling disorder, the highest level possible.

The poker barons, it should be added, also watch Oprah, and have attempted to counter addiction fears by pointing out that the machines not only produce jobs but create huge amounts of tax money that can be spent on The Children. In South Carolina, the industry not only argued that it had created 70,000 jobs but begged the legislature to increase taxes for the benefit of the tykes.

Despite all that, and the warning that whiskey and rock music would be the next targets, the industry fell before a vast coalition of liberals and conservatives, blacks and whites, who argued that some of those tykes were being left to roast alive in cars while their parents pumped their milk money into the poker machines. In addition, a lawsuit alleging that video gambling represented unfair trade practices and a RICO racketeering violation was victorious in district court.

In South Carolina, and across the nation, there is also a growing suspicion that gambling may have gotten a bit out of hand. Robert Goodman, author of *The Luck Business*, reports that as late as 1988 casino gambling was illegal in every state except for Nevada and New



By Roman Genn

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Jersey. Six years later, it was permitted in 23 states and under consideration in many others. Forty-seven states now allow one or more forms of legalized gambling, which has, to no surprise, become a powerful political force. Timothy O'Brien, author of *Bad Bet*, found that the industry put at least $4.5 million into national campaigns between 1992 and 1996, making gambling "a political force at the federal level on a par with the National Rifle Association and the United Automobile Workers."

This has drawn the glare of Ralph Nader and his apostles. "There's a huge cost to communities, there's a huge cost to individuals, particularly to families of compulsive gamblers," according to Scott Harshbarger, president of Common Cause and a supporter of anti-gambling lawsuits. Even the Canadians are sweating. Early in May, a Superior Court justice authorized a Quebec lawyer to initiate a class-action suit against Loto-Québec on behalf of people who say they developed gambling addictions from using video lottery machines. That suit, according to reports, involves 125,000 residents, and in the end could bring over $625 million in damages. The news has brought dorsal fins to full erection down at Trial Lawyer Central.

Gambling has an honored place in American history. The Jamestown Company raised funds through a lottery, as did George Washington's Continental Army. But the spirit of restraint is clearly in play. "We've seen a lot of good happen this year," says Tom Grey. "While New York allowed gambling expansion, 22 states have said no to expansion since 9/11. We still have big challenges ahead, such as Internet gambling, where with a click of the mouse someone could lose their house without ever leaving home. But people are starting to recognize that gambling is not a victimless revenue stream."

These are bad days for Georgia's video drones, but there's little chance that the gambling impulse will be stymied, or at least not for long. For as it is written, wherever three of four people gather at least two will be willing to make a bet on something, including how long it will take the bystanders to organize against them. **NR**

■ **EUROPE** ■

Rock On

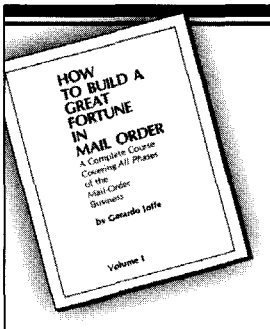
The strange and telling struggle over Gibraltar

DAVID PRYCE-JONES

GIBRALTAR is one of the last outposts of the British Empire, and the Tony Blair government is proposing to decolonize it. Not by handing independence to the natives, though, as has been the practice everywhere else in the modern age, but by ceding all or some sovereignty to Spain, itself a colonial power with residual outposts in the Canary Islands and Morocco. If they were allowed self-determination, the people of Gibraltar would choose virtually unanimously to stay British. But Britain would like the support of Spain against the Franco-German bloc driving the new and mightily busy European Union in Brussels, and Gibraltar has therefore become a handy bargaining chip in other peoples' political poker. What is happening today to the Gibraltarians is small stuff in the black annals of betrayal. No trials or deportations, no shooting. But the cynicism could hardly be plainer or more ominous for the European future. Justice and democracy are of no account.

Gibraltar consists of a few square miles at the end of a peninsula on the Bay of Algeciras, joined to Spain proper at the frontier town of La Linea. Its most striking feature is a magnificent rock, proud in its setting, with sheer white cliffs and intermittent levels of wild green scrub. The Rock of Gibraltar—that's a phrase which releases the emotions and signifies something specially British, something solid and permanent. The British captured it in 1704, and

Mr. Pryce-Jones is a senior editor of NATIONAL REVIEW. Among his books is *The Closed Circle: An Interpretation of the Arabs*, available from Ivan R. Dee.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Spain formally signed it away nine years later in the Treaty of Utrecht, though attempting twice to recapture it afterwards. In one cemetery are buried sailors from Nelson's fleet killed in 1805 at the battle of Trafalgar. The Rock and its harbor command the Western approaches to the Mediterranean. In 1940 Hitler hoped to send the Wehrmacht through Spain to occupy it and so close British communications to the Middle East and India. Had General Franco agreed, Britain might well have lost the war. The Germans regularly bombed Gibraltar's naval base, an asset then as it is now.

The 30,000 Gibraltarians are mostly descendants of immigrants from all over the Mediterranean. Many have Spanish names and are at their ease speaking either Spanish or English. The rich among them own villas in Spain. Diverse though they may be in origin, one and all are British in sentiment and culture, passionately so. They stood by Britain during the war, they feel, and Britain should stand by them now. In the usual British manner, the colony is self-governing, with a parliament, political parties, and an elected chief minister, Peter Caruana, a highly capable lawyer in his forties. They have adapted well to the postwar world. About 150 cruise liners put in every year, and tourists pour into the duty-free shops of Main Street and Irish Town. Gibraltar is also a center of financial services.

Down the years, most Spanish people would willingly have accepted the odd status of Gibraltar. But towards the end of his life, and by then an out-of-touch dictator uncertain of his successor, Franco sought popularity by turning Gibraltar into a nationalist cause. In 1969 he closed the frontier at La Linea, and Gibraltarians had to live under blockade. After his death, supposedly democratic Spain continued the harassment. Today Spain haggles over control of air traffic to Gibraltar's airport, and over Gibraltar's international telephone code; and holds up for hours on end vehicles crossing at La Linea. The Spanish government accuses the cruise liners of smuggling, and the financial services of money-laundering. All this petty spite has fired in Gibraltarians patriotism and contempt for Spain.

Spain has brilliantly exploited membership in the EU to obtain more than its fair share of subsidies and the slush money known euphemistically as "structural funds." One of the EU's most extraordinary arrangements is the Common Fishing Policy, whereby Spain, with four-fifths of the total fishing fleet, has unrestricted access to British territorial waters. This has created massive ill-will, crippling British trawling and further threatening the survival of all fish stocks. In 1999 the Centre for European Reform, a Blairite think tank, came up with the idea of surrendering Gibraltar in the hope of buying off Spanish aggression and earning its support in the invisible Brussels horse-trading which now passes for diplomacy. Similar appeasement is believed by the Blairites to have paid off in Hong Kong and Northern Ireland. The Falkland Islands campaign is a distant Thatcherite memory.

All this year, talks have been in progress toward this appeasing, and are due to come to a resolution—a so-called Declaration of Principles—in the next few weeks. In spite of British pleas, Chief Minister Caruana has steadfastly refused to participate in what he sees as a pre-determined sell-out. The usual leaks from within suggest that there will be an agreement somehow to surrender or share sovereignty. Taken aback by the general anger and mass protests, the Blair government made a crucial concession that the Gibraltarians are to have a referendum on whatever final proposal Spain and Britain put to them. Characteristically assuming that people can easily be bribed to change their identity, Brussels suddenly offered the Gibraltarians a grant of £35 million.

Naturally spurred on by British appeasement, the Spanish government has hardened its stance, announcing in advance that a pro-British result in the referendum will be of no significance. José Maria Aznar, the Spanish premier, and Josep Piqué, the foreign minister, have both made it clear that the nationalist claim to Gibraltar is not open to compromise. Which brings into focus the question of Spain's own colonial outposts. These are considered national territory. Nobody is seeking to decolonize the Canary Islands. But Melilla and Ceuta are two little sand-blown towns about a hundred miles apart on the southern Mediterranean shore—integral parts of Morocco, and Spanish enclaves only by historic right of conquest. General Franco set sail from Ceuta with his fearsome Moorish troops to launch the Spanish Civil War in 1936, and a footprint in cement of his dainty little foot is about the only tourist sight in the place. In recent years Arabs and Africans have used the two towns as escape-hatches for illegal immigration into Europe. To keep them at bay, the authorities have erected local versions of the Berlin Wall, but the pressure to reach Europe through these weak points is too great to be contained. Ceuta and Melilla are centers of people-trafficking.

Relations between Spain and Morocco have become strained, and even if it proves a masterpiece of fudging the Declaration of Principles can only aggravate them. With wonderful symmetry, Spain and Morocco make the identical nationalist case to recover sovereignty over long-lost territory. In logic and in fairness, to allow Spain's claim to Gibraltar is also to allow Morocco's claim to Ceuta and Melilla. But Spain will have none of that. Ceuta and Melilla, Foreign Minister Piqué recently asserted, "are Spanish and will always be Spanish." Spain is in the absurd position of invalidating its own argument over Gibraltar by denying Morocco the right to argue likewise. This example of what Orwell called doublethink is almost comic in its humbug.

Small stuff, yes. Merely a denial of self-determination; merely little betrayals of unimportant people and democratic principles. One way or another, the Gibraltarians are likely to have Spain rammed down their throats, in which case they have either to accept their unwelcome fate or to turn to civil disobedience and violence. It's a microcosm of the new Europe. The larger stuff is still to come, as the denials of self-determination and the betrayals of people and principles gather pace. Those in charge of the European Union practice power politics without regard to the wishes of their subjects, as medieval princes and modern dictators alike have been accustomed to do. **NR**

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■ BRITAIN ■

The People's Queen

But not the intelligentsia's. Who will win?

THEODORE DALRYMPLE

THE monarchy is Britain's peculiar institution, at least in the sense that it is headed for abolition, though more by attrition than by civil war. This does not mean that it is unpopular, far from it: The Queen's Golden Jubilee was celebrated throughout the land by millions. The Queen was sincerely cheered wherever she went. The crowds at Buckingham Palace were immense, and foreigners continue to express a strange fascination with the royal soap opera.

But in a supposedly democratic age, mere popularity will not save an institution, for it is not the people who count: It is the new clerisy, that is to say the journalists and public intellectuals. They are to institutions such as the monarchy what white ants are to wooden buildings. And in Britain, the journalists and public intellectuals who count have turned decisively against the monarchy.

On the day of the Golden Jubilee, the *Guardian*, the Pravda both of Britain's liberal elite and of the foot-soldiers who have long marched through the institutions, issued a facsimile of its edition on the day of the coronation of the Queen in 1953. The contrast between its attitude to the Queen and the monarchy in 1953 and half a century later could hardly be greater. Fifty years ago, it was unquestioningly respectful and fulsomely loyal; now it is carping, querulous, embittered, mocking, and resentful.

Mr. Dalrymple is an English doctor and writer, and a contributing editor of *City Journal*. His latest book is *Life at the Bottom: The Worldview That Makes the Underclass*.

The same is true of its Sunday sister publication, the *Observer*. No edition is complete without some reference to the alleged expense of the monarchy, its tax privileges, its lack of justification from philosophical first principles, the bad behavior of some royalty. Even the new gallery in which part of the royal collection of art—the finest private collection in the world by far—is displayed to the public has been criticized because wood from tropical rain forests was used in its construction, with the implication that the monarchy is a grave threat to the environment and responsible for global warming. Not very long ago, the *Guardian* ran an article envisaging the possible uses of Buckingham Palace once the royal family had been successfully evicted, and suggested a casino covered in neon lighting. If we can't get rid of the monarchy just yet, pleaded one columnist in the *Observer*, let's at least cut it down to size. This, of course, is a plea that will appeal to every malcontent with a university degree who believes that the System has failed to recognize his imperishable genius. The size to which the monarchy must be cut down is my size, the size of Me.

It goes without saying that the newfound hatred of the monarchy has nothing to do with anything it actually inflicts upon the population. The days of the off-with-his-head type of monarchy are so long gone that they are not even a vague or distant memory. The average citizen is a thousand million times more likely to be persecuted by the tax inspector (working at the behest of the democratic government that has arrogated unto itself an infinity of functions that must be paid for by taxation), or by burglars, muggers, and car thieves, than by any member of the royal family. The whole cost of the royal family to the country would not keep British welfare dependents and their offspring in fast food or video films for a single hour. The cause of the anti-monarchist upsurge is not to be sought in the practical harm the monarchy does.

Queen Elizabeth by Ismael Roldan

It is not as if our society is lacking in proper targets for the reforming impulse. In the fifty years of Queen Elizabeth's reign, Britain has gone from being the least to the most crime-ridden country in the Western world. Despite a fourfold real increase in expenditure on education during her reign, Britain's population is by far the worst educated and most culturally debased of any industrialized country. Thanks to the National Health Service, Britain is the most unpleasant of the developed countries in which to fall ill. We have more teenage pregnancy, and our youth consume more drugs and alcohol, than anywhere else in the world; there is more antisocial disorder in our streets than in any other civilized country. Even the collection of trash and the cleaning of the streets (which are by far the dirtiest in Europe) is beyond the capabilities of modern British administration.

But none of this attracts the reforming zeal or passion of the liberal intelligentsia like the need to abolish the monarchy. The reason is clear: The problems are largely the result of the liberal nostrums hitherto applied, but the responsibility for them cannot be acknowledged. Furthermore, the problems are now so intractable that it would take real moral courage and integrity to tackle them, precisely the qualities our intelligentsia lacks. And since the entire *raison d'être* of that intelligentsia, and the source of its fathomless self-importance, is the need for change, for "progress," it must turn its attention elsewhere.

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So the intelligentsia attacks the monarchy with a pincer movement. On the one hand it demands that it justify itself by being modern and popular: It must no longer hold itself aloof from the population, but partake of its tastes, however low they may be. For example, the Queen can be bullied into having a rock concert on her grounds, as she did for the Golden Jubilee. On the other hand, if members of the royal family show any human weakness, have affairs, lose their temper, or lack intelligence and taste (as many of them do), they are attacked as having feet of clay, for being just like us, for not being special, and therefore for being undeserving of their position and privileges. The demands that the royal family be exactly like us and yet not like us are contradictory and cannot both be fulfilled: which is precisely why the intelligentsia makes them. However the royal family henceforth comports itself, it will be subjected to withering, if insincere and dishonest, scorn.

In my childhood the monarchy was both revered and disregarded entirely. It was brought out now and again for special occasions, like the best china, and thus managed somehow to be important and irrelevant at the same time. It was a sophisticated arrangement, unsuited to an age with a malicious rage for examining everything except the value of examining everything.

But what does it matter if the liberal intelligentsia—still a small proportion of the population after all, the circulations of the *Guardian* and the *Observer* hovering between 400,000 and half a million—carps, if the monarchy still retains the affection of the great majority of the British population?

Well, history shows that what the liberal intelligentsia wants, it usually gets in the end. It doesn't give up, for fighting the good fight is its existential purpose. The Irish intelligentsia's campaign on abortion is a fine example of its modus operandi: There will be referenda on the subject until the Irish population gets the answer right, whereupon there will never be another referendum. The British monarchy is in the intelligentsia's sights, and is therefore as doomed as capital punishment: which was, if anything, more popular than the Queen. **NR**

■ **CULTURE WATCH II** ■

The Itch to Serve

And how one 40-year-old scratched it

DAVE KONIG

THERE are a lot of 40-year-old soldiers in the movies: Tom Hanks, for example, in *Saving Private Ryan*. But that's about as close to the military as most guys my age have ever gotten. I'm 40 years old. Over the course of my life, no matter what age I was, I must have known hundreds of people my age. In all that time, I've known only two who served in the military: My friend Mark was in the Navy in the early Eighties; another friend, Paul, was in the Army. That's it.

In my father's generation, of course, everybody served. If my dad were alive today he'd be 87, so he was a World War II guy. He was in the Army, stationed down South, never went overseas. His brothers did, though: His older brother Bill (Bela) drove an ambulance in the Pacific theater; his kid brother Johnny (Jan) landed at Normandy and took shrapnel at the Battle of the Bulge. They were all Jewish kids from the old country—what is now Slovakia—and they were fighting for their new country.

I have tons of old black-and-white photos of my dad in uniform, long before I was born. He's got the same features as when I knew him, but it's a different guy: cocky, swaggering. The man I knew in his fifties and sixties was, well, a bit tightly wound. This handsome kid in his twenties with the sharply pressed khakis and his lips stretched wide into a wise-ass grin is a whole different cat. I don't know what Private First Class Armin Konig was up to down there at Camp Croft in South Carolina in 1941, but, whatever it was, he was having a ball—and caught up in a cause bigger than himself.

My generation was different: basically a bunch of self-centered, aimless drifters listening to really bad music. Okay, maybe that's not fair. I'll just speak for myself: *I* was a self-centered, aimless drifter listening to really bad music. Anyway, I never served.

When I was 22 or 23, I did fill out a Selective Service registration form at the post office (you're supposed to do it when you turn 18, but I was, you know, busy). When I was 25 or 26 and I was really broke and in between jobs or girlfriends or both, a couple of times I actually went down to the recruiting station and talked about signing up. But then I'd go home and sleep on it, and the next morning I'd decide it would be a lot simpler to just go get a new job or a new girlfriend, and that would be the end of that. Later on, all grown up and enjoying a fairly successful career in show business, I had the opportunity to emcee a few USO shows. Not overseas, but in New York.

That was it for military service, I filled out a form and I told a few jokes with some showgirls. Not exactly Audie Murphy, but that's the way it goes. But here's something no one talks about: Men have a biological clock, too—just like the gal in the cartoon with the thought balloon that says, "Damn! I'm pushing forty and I forgot to have kids!" It hits guys when they're 38, 39: You start to feel you missed out on something big. I was married with three kids when the impulse hit, so my own likelihood of acting on it was pretty slim. Also, conveniently enough, at 38 or 39 you're too damn old: With no prior military service the cutoff age for the Army is 35.

One day, I was discussing this ticking biological clock with my buddy, former paratrooper Paul. He understood. He, too, had a family and a successful career. But lately, as he approached 40, he was getting occasional pangs. There were times he really missed jumping out of airplanes and buying cigarettes duty-free. We were in my den, talking. He was at my desk tooling around on my computer. I was pacing and pontificating. "If only there was some kind of military

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service for guys our age," I said. "Something where you didn't have to go to basic training for six weeks, something you could work into your regular life on a part-time basis, something where you weren't going to get sent to Bosnia . . ."

"Like a military auxiliary," he said.

"Exactly," I said.

"Look at this," he said.

And there it was. He had found the website for something called the New York Guard. Apparently under "search" he had typed in "military service for middle-aged guys who don't want to go to Bosnia." I had never heard of it but it looked promising. In 1917, the state's National Guard forces were sent overseas to defeat the Kaiser. With the National Guard gone, there was no one left to watch New York's vast aqueduct system, which was particularly vulnerable to acts of German sabotage. So the New York Guard was created. Made up of off-duty cops and volunteers who were too old for overseas duty, the original 1st Provisional Regiment was put on active state duty for 19 months. Ever since, the New York Guard has served to back up and assist the National Guard.

I looked into the commitment: one weekend day and a couple of evenings per month, one week a year of annual training. State service only, no Bosnia. I could actually do this, I thought. Well, the weeklong annual training did give me pause; like our president I like to sleep with my own pillow. Would they let me bring my own pillow? Actually I've reached the age where I'm a three-pillow man: one for my head, one for hugging, and one between the knees. I have very specific pillow-related requirements. What if I had to sleep with some government-issued "military" pillow for a week?

It was something to think about.

I got the forms, looked at them, filed them away, looked at them again. Every couple of months, I would tell my long-suffering wife, "You know, I really ought to just join the New York Guard. I really ought to just go ahead and do it!" Then I'd obsess some more about the pillows, and I'd put the forms away, and that would be that.

Then came that Tuesday morning in September.

Because of my USO connections, I spent the first month after the attacks at the Ground Zero respite centers. There was a boat docked down there, a dinner-cruise ship. Around-the-clock adrenaline powered a giant swarming hive of cops, construction workers, volunteers, military people, politicians, movie stars. And firemen. Always the firemen. Big, beautiful, covered in dust and sweat, their hearts broken. I served coffee, I told bad jokes, and good ones. I kibitzed. I schmoozed. I listened. Along with hundreds of other New Yorkers, I did what I could to provide a moment's distraction for the guys on their breaks. Lunch breaks in hell.

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Apparently under 'search' he had typed in 'military service for middle-aged guys who don't want to go to Bosnia.'

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By the second month, the cruise ship was gone. Things were organized. There were more and more construction workers, fewer and fewer military and law-enforcement personnel. The firemen, of course, were still there—would be there till the end. But it was time for me to go home.

A few months later, I took out the forms for the New York Guard, filled them out, and mailed them in. That's how I found myself, at age 40, dressed in camouflage and combat boots, standing in the middle of a vast Army camp near my suburban Westchester town, assigned to MP duty. Young National Guardsmen would be arriving throughout the night to spend the weekend training at Officer Candidate School. My mission: Show them where to park their cars.

It was a beautiful, clear night. The mountains just to the north and east were outlined by moonlight. I took deep, deep breaths and filled my lungs with the clean air and thought about my dad, manning a jeep-mounted machine gun, his helmet slouched at a jaunty angle, his thin lips stretched wide in a wiseass grin. The king of cool, young and strong and armed to the teeth in glorious black and white. Here I was, a good 15 years older now than he was then—a middle-aged corporal, helping strong young men half my age park their cars. "How you doing? Drop your gear off in the barracks, Building 505 right over there, sign in, then come back here, and if you could line 'er up real tight next to that van over there, I'd appreciate it." They were good kids, very polite. They were there to learn how to lead other young kids into battle. Maybe they were going to get sent to Afghanistan. Or Iraq. They parked their cars nice and tight, just like I asked them.

I stood there looking up into the clear night sky. The first plane had flown directly over the spot where I was standing. It flew over very fast. Heading south.

I looked at the cars I had helped park. They were parked nice and tight. The cars were parked nice and tight and all the young kids were asleep in their barracks. They had dropped off their gear in Building 505, signed in, then lined up their cars nice and tight. Just like I asked them to.

I looked at the cars. And my lips stretched wide into a wiseass grin. And I thought: "Take that, Osama, you SOB." **NR**

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■ COVER STORY ■

A Better Bureau

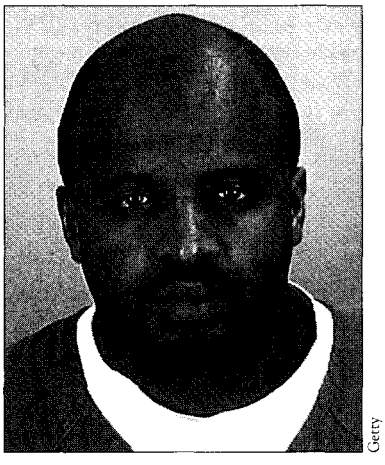
How to fix the FBI

RICHARD LOWRY

THE shocked and dismayed tone of the media coverage and the congressional reaction to the FBI's missteps in handling pre–9/11 terror clues makes it seem as though one day a bunch of agents, unbeknownst to everyone, got together and decided that they would no longer be aggressive in chasing terrorists.

This is a nice bedtime story for the press and Capitol Hill, but the fact is that the culture of caution at the FBI was imposed on it mostly from without—by the Reno Justice Department, which put the liberal critics of the Bureau directly in charge of it; by Democrats in Congress, who want forever to replay the greatest hits of the FBI- and CIA-bashing Church Committee; and by a cadre of conservatives who let their libertarian instincts and their disgust at Waco and Ruby Ridge overwhelm their sympathy for law enforcement.

This is why the answer to the pre–9/11 failings cannot be found just in internal FBI reforms (although that is certainly important) but in a broader reevaluation by the political class of how the U.S. regards terrorism. It should no longer be considered a problem of domestic law enforcement, with all its necessary safeguards of the rights of U.S. citizens—it should be a matter of national security, with much more latitude for the government to prosecute the fight against it. Last year's Patriot Act moved in the right direction. But the rules for surveillance of terror suspects need further loosening, and a track entirely separate from domestic law enforcement should be created for terror-related cases.



Getty

Zacarias Moussaoui

OUT OF THE SEVENTIES

Much of the FBI's anti-terrorist work is done under the rubric of the 1978 Foreign Intelligence Surveillance Act (FISA), which created a special court to which the FBI would bring wiretap requests in counterintelligence cases. This was an innovation. Previously, surveillance related to national security was done simply on the order of the president or attorney general. FISA curtailed this power in reaction to scandals involving, among other things, domestic spying on Martin Luther King. Mark Riebling, in his book *The Wedge*, describes the atmosphere in which such scandals were aired in the 1970s: "As various governmental inquiries assumed the aura of Inquisition, the CIA's legal counsel reminded all employees of their rights under the *Miranda* decision."

The standard for a FISA warrant isn't as high as that for an ordinary criminal wiretap warrant, but does require a finding of "probable cause" that the target is an agent of a "foreign power" or a "group engaged in international terrorism or activities in preparation therefor." This creates a paradox. Riebling quotes a counterintelligence officer complaining about it at the time of FISA's enactment: "In order to convince a judge to issue a warrant, it was necessary to show that sufficient evidence existed, 'probable cause,' yet the collection of that evidence could only be done through surveillance of some sort. A Catch-22 situation!"

In the 1990s, the U.S. tied itself in further knots by treating terrorism as a matter for the criminal-justice system, thus bringing into play all sorts of other restrictions on collecting and sharing information. The CIA is reluctant to provide information for criminal cases out of fear that its sources and methods will be disclosed in open trial. The FBI, meanwhile, was forbidden to share information gathered from grand-jury proceedings. (This changed after September 11.) The absurdity of making the fight against terrorism a domestic legal question reached its height when the Clinton administration was hesitant to accept Osama bin Laden, if handed over by a foreign government, because it couldn't have indicted him.

As long as terrorism in the United States is treated as a criminal matter, a terrorist gets more rights and protections as he gets closer to his target: i.e., if bin Laden is in Afghanistan, we try to bomb him to kingdom come (since there he is an enemy fighter), but if he makes it to Brooklyn, we hesitate even to listen in on his sermons at a mosque (since here he is a domestic criminal). Zacarias Moussaoui—the alleged "20th hijacker"—benefited from exactly this dynamic. Whistleblower Coleen Rowley was outraged that FBI headquarters didn't think there was "probable cause" to request a FISA warrant on Moussaoui. But it may well be that the FBI was conscientiously following the letter of the law, displaying the tender regard for Moussaoui's civil liberties that the political culture has demanded. There was certainly evidence prior to September 11 that Moussaoui was a Muslim extremist, but "probable cause" that he was an agent of a foreign power or terrorist group? It was by no means a slam dunk.

What if there clearly was "probable cause" for a FISA war-

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rant in late August? Unless it is determined to be an emergency, the FISA process can be a drawn-out one, as former FBI agent James J. Roth explained in a letter to the *Wall Street Journal*: "Even assuming that FBI headquarters agreed that there was probable cause, the FISA request still had to be reviewed and approved by the Department of Justice Office of Intelligence Policy and Review; come back to the FBI for the director's certification, which is required by law; return to Justice for the attorney general's approval, also required by law; and get scheduled on the court docket. . . . Simply put, it is unlikely that the request would have reached the court before 9/11."

All of these legal and procedural hoops existed in the context of a culture of timidity, even fear, at the FBI, as Rowley's famous memo says over and over again. "Our best real guess," she writes, "is that, in most cases, avoidance of all 'unnecessary' actions/decisions by FBIHQ managers (and maybe to some extent field managers as well) has, in recent years, been seen as the safest FBI career course. Numerous high-ranking FBI officials who have made decisions or have taken actions which, in hindsight, turned out to be mistaken or just turned out badly (i.e., Ruby Ridge, Waco, etc.) have seen their careers plummet and end. This has in turn resulted in a climate of fear which has chilled aggressive FBI law enforcement action/decisions."

This hints at Janet Reno's role in the Moussaoui debacle. The first World Trade Center bombing in 1993 should have been a sign that organized terrorist cells were capable of operating on U.S. soil, and that perhaps the FISA regime and the U.S. paradigm for fighting terrorism were outdated. But Reno's Justice Department *increased* all the restrictions. Reno ratcheted up the standards for both criminal and counterintelligence warrants, making the standard less "probable cause" and more "near certainty," and created firewalls between the FBI's counterintelligence agents and the Justice Department's criminal division. As former Energy Department spy-catcher Notra Trulock says, an ethic of "self-deterrence" settled over the FBI.

WEN HO LEE REDUX

In the past, there would be loose cooperation between the counterintelligence agents and the criminal division, since monitoring of foreign agents (a counterintelligence matter) could easily turn up evidence for espionage cases (a criminal matter). FISA allowed for this, since it said that intelligence should only be the "primary" purpose of a FISA warrant. But the Reno Justice Department, in the person of Richard Scruggs, head of the Office of Intelligence Policy and Review (OIPR), interpreted "primary purpose" to mean "only purpose," and insisted on nearly zero cooperation between counterintelligence agents and prosecutors.

"Scruggs pursued his separation doctrine with religious fervor, and FBI agents and Justice Department prosecutors considered crossing the line he imposed to be a 'career stopper,'" Ronald Kessler writes in his book *The Bureau*. "Besides ruining the relationship that had worked so well in the past [between the FBI and prosecutors], Scruggs and OIPR often opposed FBI surveillance requests that should have been approved. Such was the case with the FBI's application to eavesdrop electronically on [Wen Ho] Lee's telephone calls."

Indeed, the badly mishandled Lee case is a perfect preview of how the FBI would drop the ball pre–9/11, with regard to both Moussaoui and the Phoenix memo advocating a critical look at Arabs training at U.S. flight schools: It was hesitant to go for a FISA warrant; it didn't communicate well, as the criminal division didn't learn about the case until it showed up in the newspaper; it got clobbered in the media for alleged racial profiling; and Notra Trulock, who aggressively pursued the case, was publicly pilloried for it. Put these tendencies together—no FISA, no communication, no profiling, no risk-taking—and you get the do-nothing culture that so frustrated Rowley.

Meanwhile, few in Congress expressed any interest in loosening the FBI's 1970s-era legal straitjacket (with the exception of the farsighted Sen. Jon Kyl). The FBI had been asking, for instance, to change FISA to include a "roving wiretap"—which is attached to a person wherever he goes rather than to just one phone line—as far back as the first Bush administration. To no avail. Congressional conservatives joined liberals in successfully opposing new wire-tapping powers in an anti-terrorism bill proposed by Bill Clinton in 1996. It was during this debate that Henry Hyde says another Republican member told him, "I trust Hamas more than I trust my own government."

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Even after September 11, Patrick Leahy was still clinging to Church Committee orthodoxy.

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Liberals were no better, and generally worse. Part of the Church Committee's doctrine was that the CIA, with its mission of dealing with foreign enemies, should be kept strictly separate from the FBI, charged with domestic work. Vermont senator Patrick Leahy—who now complains about the lack of cooperation between the two agencies—accepted this bit of Church Committee wisdom as holy writ. In 2000, he opposed a Kyl proposal to loosen the prohibitions on FBI-CIA cooperation, and entered into the record and endorsed a letter from the ACLU: "The factual predicate has not been established for even concluding that the FBI is not already properly sharing intelligence information," the letter said. "[Since] the Church Committee, it has been recognized that the rights of Americans are better protected (and the FBI may be more effective) when international terrorism and national security investigations are conducted under the rules for criminal investigations."

In light of this, Leahy is in no position to complain about the handling of the Moussaoui case, since the FBI was operating exactly in keeping with his, and the ACLU's, guidance. Even after September 11, Leahy was still clinging to Church Committee orthodoxy. On September 13, he lambasted a proposal of Sens. Kyl and Feinstein to give the FBI more powers: "Maybe the Senate wants to just go ahead and adopt new abilities to wiretap our citizens. Maybe they want to adopt new abilities to go into people's computers. Maybe that will make us feel safer. Maybe. And maybe what the terrorists have done made us a little bit less safe. Maybe they have increased Big Brother in this country."

Despite Leahy's misgivings, the Patriot Act passed, with overwhelming support—including eventually from Leahy. No

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longer does acquiring foreign intelligence have to be the "primary" purpose of a FISA warrant; it can be merely a "significant" purpose, providing the FBI considerably more leeway. FBI agents are now allowed to conduct "sneak and peek" searches in which the target is not notified that the search is taking place. The Bureau finally has a roving wiretap under FISA. And the restrictions on CIA and FBI cooperation have been eased. This is all to the good—but none of it would have solved the Moussaoui problem, since there may not have been "probable cause" that he was a member of a terrorist group in the first place.

MORE, PLEASE

This is why the Bush administration went back to Congress after the Patriot Act passed to ask for new FISA language to cover individual terror suspects. But Leahy screamed, objecting that the administration was, like Oliver Twist, asking for more after already having been served the Patriot Act. So, the proposal was dropped.

Now Jon Kyl and Chuck Schumer want to deal with the Moussaoui problem by adding language to FISA covering individual terrorists. The lone wolf would have to be a "non–U.S. person," not a citizen or green-card holder. This is a necessary fix. But while we're at it, it's not clear why the law shouldn't be even looser when it comes to non–U.S. persons, eliminating the "probable cause" standard altogether and moving to a "reasonable suspicion" standard. In the case of Moussaoui, the feds were absurdly arguing over whether to search the computer of someone who not only wasn't a U.S. person, but wasn't even here legally.

The most important point in considering all of this is that fundamental one: Terrorism is an act of war. Therefore, the fight against it shouldn't be a criminal matter, emphasizing high "probable cause" standards to protect a suspect's rights and set the predicate for a punctilious criminal trial. Instead, terrorism cases should be handled on an entirely different track that follows logically from beginning to end. This track begins with efforts at pre-emption, which requires the gathering of intelligence and breaking up of networks rather than the careful step-by-step construction of a specific criminal case. And it should end in military detentions and tribunals, allowing for less inhibited evidence-gathering and other practices inherent to the urgency of combating terrorism.

Last year, the administration had apparently grasped, in its proposal for military tribunals, the need for a separate track for terrorism cases. At least one prominent Democrat, Joe Lieberman, was willing to see Moussaoui tried before a military tribunal. But Moussaoui was nevertheless scheduled for an ordinary criminal trial in a federal court. Now the administration seems to be moving back to a separate terrorism track. The FBI is being re-oriented to a counter-terrorism mission. Meanwhile, the handling of the recent Dirty Bomber case is heartening, from the bomber's preemptive apprehension (as a result of cooperation between the FBI and CIA), to, one hopes, his impending military trial. This would be an effective post-Moussaoui model for counter-terrorism.

It will, of course, produce howls. But at least now we'll see whether all the politicians and pundits who said "Never again" in the wake of the Moussaoui revelations really meant it. **NR**

Catching the Visa Express

The awful program that allows Saudis to skip into the U.S.

JOEL MOWBRAY

THREE Saudis who were among the last of the 9/11 homicide hijackers to enter this country didn't visit a U.S. embassy or consulate to get their visas; they went to a *travel agent*, to whom they submitted only a short, two-page form and a photo. The program that made this possible, Visa Express, is *still* using travel agents in Saudi Arabia to fulfill this vital role in U.S. border security.

Shortly after 9/11, the Bureau of Consular Affairs (CA), the agency within the State Department that oversees visa issuance as well as embassies and consulates in foreign nations, directed its offices around the world to "take a hard look at their current visa operations and see if there are any measures that could be taken to further strengthen the process." An obvious target for this review should have been Visa Express, which allows residents of Saudi Arabia, including non-Saudi citizens, to apply for non-immigrant visas at private travel agencies. After submitting the short form and photo to a travel agent, applicants simply wait to receive a visa in the mail. Most Saudi applicants never come into direct contact with a U.S. citizen until stepping off the airplane onto American soil.

One senior CA official describes the program as "an open-door policy for terrorists." It's striking that three 9/11 hijackers entered the U.S. through Visa Express, because the program was established just three months before 9/11. And that's not the only reason Visa Express has raised serious concerns among security experts. Take a sample month: The U.S. consulate in Jeddah interviewed only two of 104 applicants, rejecting none. The month in question? The first 30 days *after* 9/11. Saudi Arabia is the only country in the world that enjoys such privileges when it comes to visas. (In some other nations, partial versions of Visa Express are available—but to very few applicants. Twenty-eight countries—almost all in Western Europe—participate in Visa Waiver, which permits travel to America without a visa.)

So Visa Express is on the chopping block, surely? Not even close. The U.S. embassy in Saudi Arabia breathlessly promotes the program. The embassy's website proclaims that "applicants will no longer have to take time off from work [and] no longer have to wait in long lines under the hot sun." Use of the program is not simply encouraged; it is *expected* of applicants.

In December 2001, assistant secretary for consular affairs Mary Ryan boasted in an internal memo that CA "has been fully involved in the campaign against terrorism." Despite her

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claims, little has been done to try to close this particular "open door" for terrorists. Last October, the embassy assured Saudis that the U.S. had "*not* changed its procedures or policies in determining visa eligibility as a result of the terrorist attacks of Sept. 11, 2001." And internal actions at CA indicate that nothing has changed since. Senior CA officials concede that reform of Visa Express is not being seriously considered.

THE TROUBLE WITH CONSULS

The Visa Express program is a symptom of deeply rooted problems in the bureau, which is charged with a unique, and conflicting, pair of goals: to provide public diplomacy on the front lines and to screen out potential terrorists before they reach our shores. In the past decade, CA has done a solid job achieving the former objective, but it has come at the expense of the latter. "Mary Ryan has chosen diplomacy over law enforcement," complains Nikolai Wenzel, a former consular officer in Mexico City.

CA is fully aware of the contradictoriness of its aims. In a cable outlining model practices for consulates, Ryan lists the elements of an interview that follows a visa application. "An interviewing officer must be alert to, and investigate, fraud indicators without unduly offending a potentially bona fide applicant. Achieving all this in a few minutes' interview is not easy." A "few minutes" is typically 2–3 minutes, and that's only for a relative handful of applicants who initially are turned down for a visa.

Ryan refers to the visa window as the "face of the embassy," providing "front line diplomacy." Foreign Service officers (FSOs), who staff consulates, are inundated with messages about politeness and courtesy, and their job-performance reviews focus primarily on those factors, not on their ability to screen out terrorists. This "courtesy culture" has been intentionally nurtured by Ryan in her nine years as the head of CA. She continually stresses the importance of "fundamental fairness"—for foreigners, even those who don't meet the relatively low standards for receiving a visa.

In loosening the visa-application process, Ryan may have crossed lines established by Congress. Wenzel flatly states: "Mary Ryan's instructions are in direct violation of the law." He points to the intense pressure placed on FSOs to grant visas in the absence of a compelling reason to refuse an application: "The burden of proof is supposed to be on the applicant under the law, but the reality in the field was just the opposite."

Ryan's tenure has been marked by a steady decline in the number of applicants subjected to interviews. "It used to be most people were interviewed; now it's about one-fifth," notes Jessica Vaughan, a former consular officer in Belgium and Trinidad and Tobago. The new policy followed at most consulates is that an interview is conducted only if an application is red-flagged, and thus refused, on the first check. An application can be set aside for follow-up for a number of reasons, such as suspicious reasons listed for travel (an eight-month vacation for a lower-middle-class Mexican, for example) or the presence of the applicant's name in the lookout system, a composite database of 5.7 million people on various watch lists.

A June 2001 cable from Ryan clearly states the current policy: "No refusals without an interview." The same cable goes on to say that visa applicants must be given "every reasonable opportunity to establish eligibility to receive a visa." Every refused applicant is entitled to an oral and written explanation for the reasons behind the refusal. Depending on the consulate, up to one-fifth of rejected applicants overcome the refusal and secure a visa by providing additional documentation or proving credible in an interview.

Vaughan suspects that the dramatic reduction in interviews is part of a larger plan by Ryan: "[Her] ultimate goal is to make it possible for consular officers to get through the day without seeing any applicants or having to say no to anybody." This cynical view is at least partially borne out by Ryan's own words. The head of CA has made no secret of her desire to eliminate the interview requirement wherever possible, stating in a CA cable that this is a "very worthy goal."

Surprisingly, though, Ryan strongly believes that interviews are essential to the visa process. Well, sort of. "When it comes to judging credibility, there is simply no substitute for a personal interview," she wrote in a 2001 cable. The memo goes on to instruct consular officers to "rely primarily on the interview itself, and only minimally on supporting documentation." Her missive praises interviews, however, not as a way to keep out bad guys, but as a way to avoid keeping out "qualified aliens who may have appeared weak on paper, but could have overcome [that appearance] with a strong showing of credibility." She never discusses the possibility that interviews could screen out applicants who look strong on paper but are not credible in person.

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The Visa Express program is a symptom of deeply rooted problems in the Bureau of Consular Affairs.

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CA is also very concerned about the system's convenience for applicants. Ryan explains that the intent of CA's policy is to "permit waiver of the interview when it is clear that the alien is eligible for the visa and an interview would be an unnecessary inconvenience." But eliminating interviews is not considered a wise move by law-enforcement experts, who place a premium on the value of face-to-face contact. "It's not foolproof, but at least interviews give you a much better chance of keeping out dangerous individuals," says former CIA director Jim Woolsey.

THE WRONG PEOPLE

Even when CA does turn its attention to border security, it tends not to focus on keeping out the most dangerous applicants. "If you're a drug smuggler from Sweden, your chances of getting in are almost 100 percent. If you're a perfectly responsible, God-fearing person from Guatemala, your chances of getting in are maybe 10 percent," says Wayne Merry, a former consular officer. CA doesn't hide its policy regarding the role of money in determining visa eligibility. CA spokesman Ed Dickens casually admits that countries with high refusal rates almost always "have lots of poor people."

Focusing attention on the poor might make sense when battling an epidemic of illegal nannies flooding homes in the

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Hollywood Hills, but it seems an unwise strategy when it comes to screening out terrorists. "What's absolutely stunning is that even 9/11 didn't change the way consulates operate. It's still business as usual," fumes a senior CA official.

The role of money in the visa process is especially pronounced in Visa Express, because CA's written policy is that "if the travel agency is reasonably satisfied that the traveler has the means to buy a tour 'package,' there will be little further evaluation of the applicant's qualifications." In other words, anyone able to flash a wad of cash—something any al-Qaeda operative could do—is automatically eligible for a visa. Applicants are still primarily screened for their likelihood of trying to get a minimum-wage job once in America, not for any potential security threats they might pose.

Although a poor person can be denied a visa on poverty grounds, someone with a history of advocating terrorism cannot be refused for, well, advocating terrorism. U.S. law prevents denial of a visa to a person simply because he has a history of advocating terrorism; an applicant may be rejected only if he has actively aided a terrorist organization, or if he gives a reason—aside from actually advocating terrorism—for the consulate to believe that he might commit a terrorist act. (The recently enacted Enhanced Border Security and Visa Reform Act failed to address this issue.)

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Anyone able to flash a wad of cash—something any al-Qaeda operative could do—is automatically eligible for a visa.

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Visa Express also faces logistical challenges. The name and date of birth of all applicants are entered into a computer and checked against the lookout database; the search parameters are intentionally set wide, so that anyone in the system with a similar name or date of birth registers as a possible match. An FSO must then scroll through the list and determine whether one is a match to the applicant. An example: In Saudi Arabia, the name Muhammed al-Wahabi, the Arab equivalent of John Smith, with a date of birth around 1977, could result in up to 100 potential hits for the FSO to scroll through. To fully appreciate the complexity of this task, one must factor in the time element: FSOs in Saudi Arabia process anywhere between 40 and 80 applications per day, and conduct an additional 10 to 20 interviews.

State Department spokesman Christopher Lamora claims that "it is not technologically possible to issue visas to people whose names appear in the system and fail to clear the system." In the literal sense, Lamora's statement is correct, but a name can clear the system if the FSO simply doesn't spot the match to an applicant. A classic example of human error occurred in a South Asian nation, where a young woman was refused on her first two visa applications. On her third try, she filled out the two-page form in exactly the same fashion, save for one detail: She changed her date of birth by two years. It worked. The FSO processing her third application missed her on the list. This human error occurred less than four months ago.

Even in the absence of human error, the software faces major, and often insurmountable, hurdles in tracking Arab names. There is no single transliteration system from Arabic to English, which means that any Arabic word, including a name, can have a dozen or more correct English spellings. Think Osama versus Usama, or Yasser versus Yasir. And those are the easy ones. Consider an Arabic name with a personal name, an honorific, a patronymic, a lakab (usually a religious name denoting a personal virtue), a nickname, an occupational name, and a hisba (derived from one's residence or place of birth), or any combination thereof, and you can start to appreciate the difficulties facing the software.

Furthermore, this screening process is conducted by junior-level officers with little experience. FSOs responsible for visa screening are new to the Foreign Service, typically young, often unmotivated, and almost always under-trained and under-prepared. Consular officers who check visas are derisively referred to within the Foreign Service as "visa-stampers." It's a mandatory stint for every FSO—a two-year paying of dues.

THE SAUDI FACTOR

Compounding the potential for errors in Visa Express is the de facto deputization of private Saudi travel agents. These gents—who have no formal relationship with consulates and operate with very little oversight—are expected to handle some of the consulate's workload. "The consular officer is relying on the travel agency to screen out obviously unqualified applicants," notes one CA cable.

Even the most clearly dangerous applicants have a way to slip past the guardians: sheer fraud. Abdulla Noman, a Yemeni citizen and Saudi resident who worked at the U.S. consulate in Jeddah, admitted last month that he had sold between 50 and 100 visas, from September 1996 until last November, when he was arrested. Officials have not yet been able to locate all the people who obtained visas through Noman. U.S. officials caught Noman because he worked directly for the consulate; it's not as easy to catch the travel agents.

With mounds of reporting (some in this magazine) exposing Saudi Arabia as a breeding ground for anti-American fanaticism and radical Islam, the natural question is why the Saudis have been singled out for the special treatment of Visa Express. At least some of the blame must rest on Ryan's "courtesy culture," which was directly injected into the consulate there by Thomas P. Furey, who was consul general in Riyadh from summer 2000 through fall 2001, and who was responsible for implementation of Visa Express. Furey, a confidant of Ryan, is well known within CA for his trademark expression: "People gotta have their visas."

Of course, the official line on why Saudi Arabia received Visa Express is that it is a trustworthy source of qualified visa applicants—an argument that seems less compelling in the wake of 9/11. State Department spokesman Lamora said that Visa Express was instituted because of "a traditionally low visa-refusal rate and incidence of fraud among Saudi applicants." This justification is in keeping with unofficial, but observed, guidelines at CA. According to a senior CA official, the typical practice is that so-called "third-party screening" is not implemented on a large scale in countries with refusal rates of 6 percent or higher. CA has reported that the refusal rate for

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Saudis is a scant 3 percent—justifying the existence of the Visa Express program.

Those numbers, however, are very misleading, if not outright false. According to a consular document from Riyadh, the overall refusal rate for Saudi national and third-country-national (TCN) applicants was 24 percent. The document showed a refusal rate for TCNs of 30 percent, and for Saudi nationals of over 10 percent. The CA press office vociferously denied the statistics—until, that is, it was presented with the summary of a document obtained from an unnamed source at CA. The press office now concedes—for the first time—that the overall refusal rate for Saudi nationals and TCNs is 23 percent. The only remaining point of contention is the breakdown of refusal rates for Saudi nationals and TCNs; CA still maintains that the refusal rate for Saudi nationals is 3 percent. But even if CA's figures on Saudi nationals are correct, the bureau is still violating its own internal protocol by granting Visa Express to a country where nearly one-fourth of applicants are refused.

THE NECESSARY FIX

Former CIA director Woolsey recommends that "at the very least [Visa Express] be thoroughly reviewed, and most likely overhauled." One—unlikely—option would be to scrap the program altogether as a way to alter our relationship with the Saudis. "This is a policy statement we're making by granting easy visas, and it would make an even greater statement if we stopped the program," asserts a senior administration official. Any system that replaces Visa Express would have to be designed with some simple facts in mind. Adam Garfinkle, editor of *The National Interest*, is quick to note: "The entire Saudi society generates attitudes that are inherently anti-American. That's just the way it is. At the same time, the Saudi government has sought very close ties with the United States. Ultimately, these two things are incompatible."

As for the president's plan to create a new cabinet-level department for homeland defense, it's likely to have only a marginal impact on the operations of Consular Affairs. Although the administration blueprint suggests that the new agency will eventually oversee visa procedures, the State Department insists that it "will continue to administer the visa application issuance process." Even if the new agency successfully wrested control of visas from CA, the shift in authority would take years.

Nor would the new fingerprint-and-photograph tracking of visitors and immigrants recently announced by attorney general John Ashcroft have an immediate impact on Visa Express. The tracking is already in place for people coming from five Middle Eastern nations—Iran, Iraq, Libya, Sudan, and Syria—but there are no indications Saudi Arabia will make the list anytime soon. Even if Saudis were subjected to this treatment, however, only identity fraud would be curtailed. People with clean records but malicious intent would face no additional hurdles.

And the systemic problem with the visa process reaches far beyond Saudi Arabia. "The entire culture at CA must change before reforms will mean anything," says a senior CA official. Mary Ryan's "courtesy culture" is inherently inimical to the types of reforms necessary to keep out terrorists. It—and she—must go. **NR**

With Friends Like . . . Whom?

The sorry search for non-European allies

JOHN O'SULLIVAN

ONE side effect of the Right's current disillusionment with "the Europeans" as unreliable, wimpish, anti-Semitic, and anti-American is a search for new allies. Some conservatives would be perfectly content to do without allies entirely, using the freedom conferred by high-tech weaponry to escape any constraints that might be imposed by them. This policy of "global isolationism"—intervention everywhere without any local help—might be just about possible for the U.S.; but it would require an increase in defense spending over and above anything now contemplated for the war against terrorism. It is a world strategy very popular with conservative journalists.

Most of those who have served in administrations, however, recognize that allies perform tasks that, if not always essential, can occasionally be very useful. Most obviously, their troops fight alongside GIs; but lesser services may be important too. They provide intelligence that may be crucial in a war on terrorism. Sometimes an ally will share some technology that is more advanced than that developed by the U.S. The British, for instance, lead the field in anti-submarine warfare. (No prizes for guessing why.) Since the U.S. does not have sovereign bases around the globe, it will often need bases in an allied country; it used Turkish bases during the Gulf War. Nor is the political assistance of allies to be despised. The decision of some other country to fight alongside the U.S. may persuade American doubters that our cause is generally recognized as just or necessary.

Allies, then, can be useful in a pinch. But which allies should the U.S. choose? To hear the anti-European chorus tell it, we are spoiled for choice. Among those lining up to take Uncle Sam's shilling are Russia, India, Israel, and some or all of the Latin American countries beginning with Mexico. All of these nominations deserve the careful consideration of the committee because each has some military, diplomatic, economic, or geographical advantage to offer the U.S. Either individually or collectively, however, do they offer enough to substitute for the collective strength of the European allies in NATO? It is to this central question that we now turn.

AN EMBARRASSMENT OF RICHES?

Consider Russia first. Russia's potential usefulness to the U.S. as an ally is considerable by any standard. It can offer us bases either on its own soil or, through political influence, on the soil of its former possessions in Central Asia, for use in the war against terrorism. As a major oil producer it can assist us economically—either directly by selling us oil, or indirect-

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ly by releasing enough onto the world market to hold down oil prices. Unlike any other power, it can also remove the hypothetical threat of Armageddon from the U.S. simply by building down its own nuclear-missile forces.

To a considerable extent, indeed, Russia is already helping the U.S. in these ways. The Bush-Putin personal love-fest confirms that Russia and America share an alliance of convenience in their joint war on terrorism. But such an alliance is, of its very nature, extremely limited. Russia is a poor country with a per capita gross domestic product below that of Portugal. Its population is declining sharply and it is forecast to fall to 100 million Russians by 2050. Its armed forces are so ill-disciplined and ill-equipped that they are hard-pressed to win a single anti-terrorist war in Chechnya. It faces direct threats from fundamentalist Islam in Central Asia and from a resurgent China expanding into resource-rich but depopulated Siberia. And it has not yet established stable and legitimate democratic political institutions under a genuine rule of law.

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In short, a Russo-American world duopoly is a concept as outdated as the Twist.

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In addition, the convenience in this alliance is mainly the Russians'. Russia is largely incapable of giving the U.S. serious military assistance outside its own sphere of influence. Its armed forces simply lack the strategic mobility to do so. The promise of future American support in Siberia and Central Asia is worth much more, over the long term, than Russia's actual furnishing of bases and influence to help the U.S. in Afghanistan now. The oil supply, meanwhile, is increasing throughout the world, thus reducing Russia's political clout as an oil supplier. Its nuclear missiles are a serious threat to the U.S. only if they fall into the hands of anti-American radical Islamists. And, finally, those who object to "the Europeans" as anti-Semitic can hardly propose Russia as a substitute with a straight face.

In short, a Russo-American world duopoly is a concept as outdated as the Twist. The military and diplomatic strengths Russia brings to the alliance are at best modest and local, and at worst attached to a potentially costly price tag in defense obligations.

Very similar considerations apply to India, but with the prospect of somewhat brighter outcomes. India is a society of contradictions. Economically, it is divided between a First World economy and a Third World one; militarily, it is a major regional power with nuclear weapons and formidable armed force—but bordered by two nuclear neighbors, China and Pakistan; and politically, it is an officially secular democracy dominated by the communal political loyalties of an overwhelming Hindu majority and a still substantial Moslem minority.

But India is also undergoing rapid economic and political changes that look likely to resolve some of these contradictions, in such a way as to propel the country towards better relations with the U.S. Recent market reforms are likely to make India a more modern economy—it already has a thriving information sector—and a closer trading partner of the U.S. (The growing Indian diaspora in the U.S. will foster the same closeness.) Its tensions with Pakistan and China give India an incentive for seeking a strong pacifying U.S. presence in Asia. And its Hindu majority, hostile to Pakistan and by extension to the Moslem world, will be instinctively sympathetic to the U.S. war on terrorism.

If all these point to an Indo-U.S. alliance at some point in the future, other factors suggest that the future may be postponed for a while. India's economy is likely to be a divided one for many years—and the 700 million Indians who live in the Third World economy will be largely indifferent to foreign policy, and to a wider role for India in world politics. Similarly, though the Hindu majority is an overwhelming one, the Moslem minority is still a formidable political factor at 150 million souls. It is the second-largest Moslem population in the world. Considerations of domestic order might restrain an Indian government, however Hindu nationalist, from joining an American crusade against radical Islam: At least a thousand people have been murdered this year in communal pogroms. Nor should we forget that much of the Indian political establishment is only now shrugging off its Cold War mentality of anti-American "neutralism." That will fade away eventually, thanks to the Indian community in the U.S. and the practical benefits of a closer strategic relationship with Washington—but not right away.

As that happens, the U.S. and India will find it mutually convenient to assist each other—militarily to contain China, and diplomatically to prevent the Indo–Pakistani dispute over Kashmir from boiling over. Indeed, defense secretary Donald Rumsfeld has just accomplished precisely that. But the benefits to the U.S. from this relationship will be largely confined to the region. India's armed forces, though powerful, are directed towards immediate threats, all local. Over time, India might be induced to play a larger role outside the Subcontinent and the Indian Ocean in alliance with the U.S. But that too lies in the distant future.

Israel, of course, is an important American ally in the here and now. That alliance, moreover, is rooted in moral obligation (the U.S. midwifed Israel's birth) and philosophical sympathy as well as in strategic advantage. But exactly how does the U.S. benefit from its alliance with Israel? And is that benefit substantial enough to sustain an Israeli role as America's main or only ally?

The U.S. derives one important worldwide strategic benefit from its Israeli connection: intelligence. In all wars, good intelligence is extremely valuable; in a war against terrorism, it is of the highest importance. Apart from that, however, no one envisages Israel playing a major military role as a U.S. ally outside its region.

Thus, Israel is useful to the U.S. mainly in the Middle East—as you would expect of a regional superpower. There it provides general political and diplomatic backing for U.S. policy; the guarantee of military assistance if U.S. forces should get into difficulties; a permanent military threat to anti-American regimes and forces; and the prospect of full military engagement on the U.S. side in any conflict in which

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Are We *Addicted* To Drug War Money?

Government Agencies — Virtually every part of the federal government gets a piece of the $20 billion annual drug war budget.[1]

Prison Industry — The US spends $50 billion annually on prisons. One-quarter of prisoners are drug offenders.[2]

Treatment Industry — US Courts force more than 200,000 a year into drug treatment. 37% of all drug treatment admissions are mandated by the courts. 57.1% of marijuana treatment admissions are court mandated.[3]

Testing Industry — The $5.9 billion dollar drug testing industry should be replaced with impairment testing. Discovering marijuana use a week ago is as irrelevant as finding beer drinking a week ago.[4]

Pharmaceuticals — Profits are protected from medical marijuana competition.

Alcoholic Beverages — Profits protected from social marijuana competition.

Banks — Banks process billions in drug money. When asked in court how a major bank reacted to his arriving at the airport with $20 million in small bills, the courier responded: "They sent a limousine."

Military Suppliers and Contractors — Manufacturers of herbicides, helicopters and military contractors (mercenaries) profit from the $2 billion spent annually on foreign interventions in the name of the War on Drugs.[5]

Drug trafficking represents eight percent of the world's trade, an untaxed and unregulated $400 billion annually.[6]

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[1] National Drug Control Strategy, Office of National Drug Control Policy, February 2002, pgs 29-31 reports a $19,179.7 billion budget for FY 2003. Some costs are not included, e.g. the cost of military personnel fighting the drug war.
[2] Gifford, Sidra Lea, US Department of Justice, Bureau of Justice Statistics, Justice Expenditure and Employment in the United States, 1999 (Washington, DC: US Department of Justice, February 2002), Table 3, p. 4; Beck, et al., US Department of Justice, Bureau of Justice Statistics Prisoners in 2000 (Washington DC: US Department of Justice, August 2001), p. 1-2.
[3] "Admissions by primary substance of abuse, according to treatment characteristics: TEDS 1999," Office of Applied Studies, SAMSHA, Treatment Episodes Data Set (TEDS), October 2001, Tables 3,4 & 8.
[4] "The American Way," Marianno Costantinou, San Francisco Chronicle, August 12, 2001 citing Standard and Poor's.
[5] "National Drug Control Strategy, Office of National Drug Control Policy, February 2002, pgs. 29-31 reports $1,894.00 spent by DoD and Department of State on the drug war. Some funds for intelligence, INTERPOL, ONDCP and the Drug Enforcement Administration are used internationally.
[6] United Nations Office for Drug Control and Crime Prevention, Economic and Social Consequences of Drug Abuse and Illicit Trafficking (New York, NY: UNODCCP, 1998), p. 3.

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America's retention of Arab sympathies is not given a high priority. In most other conflicts, the U.S. has to request that Israel not intervene on its side.

So, although the U.S. derives substantial benefits from its alliance with Israel (as, of course, does Israel), it would be a gross exaggeration of Israel's military potential to propose her as a replacement for NATO.

Latin America is worth examining as a Europe-substitute, for one reason only. President Bush seemed to feel a year ago that a hemispheric free-trade area could serve, first, as a free-market economic hinterland for a U.S. in world competition with a united Europe and a Japan-led Asia, and, second, as a political bloc giving diplomatic and military support to U.S. interventions abroad. There were strong reasons, rooted in history, for doubting even then that this vision could succeed: Latin American countries have long been inflation-prone, subject to recurring economic and political instability, mutually hostile, perennially attracted to statist economic policies, and culturally antagonistic to the U.S. Since then, the vision has receded still further with the collapse of the Argentine economy, the rise of narco-terrorism in Colombia, the revival of the Shining Path in Peru, the surging political fortunes of Brazil's socialist presidential candidate, the triumph of Venezuela's Hugo Chávez over a pro–U.S. coup, the reluctance of Mexican public opinion to give ungrudging public support to the U.S. after 9/11, and—in the U.S. itself—public and congressional opposition to the amnesty for illegal Mexican immigrants. It is a fantasy that either Latin America together or Mexico alone might join the U.S. in serious military ventures outside the continent, let alone replace Europe in that role.

HAPPY TO BE STUCK WITH YOU

Which brings us back to where we started—"the Europeans." Conservatives should reconsider the usefulness of rejecting Europe wholesale. Together with the U.S., it accounts for approximately 60 percent of gross world domestic product. It is a technically advanced civilization. It contains states, notably Britain and France, that have both the strategic reach and the national mentality to operate on a global scale. It is already allied to the U.S. in the functioning and successful military alliance of NATO. And NATO is preparing, under Rumsfeld's prompting, to adopt a new strategic doctrine that would go "out of area" to prosecute the war on terrorism.

No other state or collection of states comes close to Europe as an ally that can seriously assist the U.S. in maintaining a stable and prosperous international order in today's world. Once we put aside our resentments at silly anti-American statements by European politicians or at initial European doubts over some policies we favor, we are left with only one substantial reason for rejecting the Europeans: the possibility that they may already have rejected us and seek to establish themselves as a rival superpower.

Such a possibility exists, but as a possibility rather than an accomplished fact. It is something that the U.S. might still be able to avert by prudent but determined policies. For instance, we could place substantial obstacles in the way of Europe's developing a serious independent defense capability. If NATO were to remain effectively the sole instrument of European defense, even a federal Europe could not attain superpower status. The U.S. might also give political support to those political forces that would prefer Europe to develop along the lines of a loose free-trade confederation of nation-states. Washington might also press strongly for a Trans-atlantic Free Trade Area, which would expand the trade opportunities available to individual European countries and dilute the power EU bureaucrats currently wield.

Such a policy, though late in the day, might succeed. It might also fail. In that event, Washington would indeed be compelled to seek allies in a world in which a powerful Europe might well be allied with China or some Latin American grouping against the U.S.—not in military conflict, to be sure, but in diplomatic competition, in trade, or in the exercise of influence through international institutions. Where would the U.S. find friends then?

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No other state or collection of states comes close to Europe as an ally that can seriously assist the U.S. in maintaining global order.

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Well, where does it usually find friends? As Mark Steyn, James C. Bennett, and others have noted, the U.S. has been able to rely on the early military cooperation of the English-speaking countries, in conflicts as different as the Cold War, the East Timor crisis, the Gulf War, and the war in Afghanistan. Britain, Australia, New Zealand, and Canada are almost always the countries that step up to the plate to share Uncle Sam's burden of intervention. There are reasons for this. These countries are shaped by similar political, legal, and constitutional traditions and so tend to see the world in the same way. They support the same international liberal order in trade and diplomacy. They are more willing to use force to preserve it against aggression than those shaped by other political cultures. Their armed forces have trained and fought together. Their intelligence services share secrets more readily with one another than with others. They are linked in numerous cooperative arrangements such as the Echelon electronic intelligence-gathering system. In short, they have the habits of cooperation in war and peace. And, with the possible exception of a Britain immured within the EU, they would almost certainly rally to the U.S. standard.

There is also a second tier of English-speaking countries—Ireland, India, South Africa, the Caribbean islands—that, as post-imperial resentments fade and a shared liberal "Anglosphere" culture brings people together via the Internet, will probably be drawn into closer military and diplomatic relationship with the U.S. India is already going down that road; and we have seen that Russia, India, and Israel would be at least formidable local allies. The U.S. could put together a coalition of considerable military force, with a geographical reach from Auckland to Anchorage. It would be stronger than any likely opposing coalition. But it would still be second best to what we have now. **NR**

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THE LONG VIEW

By Rob Long

Match Wits with Inspector Jones of the Washington, D.C., Police!

Excerpts from "The Case of the Missing Intern"

Chapter One: A Mysterious Noise

Inspector Jones sat bolt upright in bed. "What the devil is that noise?" he asked himself, looking around the darkened room. The quiet, restful peace of his Kalorama-area home was pierced every few seconds by a strange, staccato ringing sound. It was regular—like clockwork—and its mysterious persistence bedeviled the world-famous genius detective, the super-sleuth of Washington, D.C.'s crack homicide investigation unit.

"There it goes again," the Inspector said to himself, as once again the unidentified burr droned out its ghostly tattoo. "Could it be the toaster?" he asked himself. "No, the toaster doesn't have a ring quite like that," he answered. "Could it be coming from my loafers?" he asked himself again. He reached under the bed and pulled out his loafers, held them to his ears, and waited. The noise came again. But not from his shoes. "Could it be coming from the armchair?" he asked. "Could it be in the toilet tank?"

"Dammit, Joe, will you get the freakin' phone already?" his wife shouted, then turned over, pounded her pillow, and fell back asleep.

"Ah, yes," said the renowned investigator. "Ah, yes. The phone."

He reached to answer it.

"That's a glass of water," his wife murmured from beneath her pillows. "The phone is that white plastic thing next to it."

"Ah, yes," said the master of deduction. "Yes, yes, I see."

He answered the phone to hear the voice of Detective Smith on the other end.

"Inspector, we've got trouble," Smith said.

"I thought as much," the Inspector said. "I'll be right there."

"But I haven't told you where we—"

But the Inspector had replaced the handset and begun putting on his shoes.

And then the mysterious noise began again.

Chapter Seventeen: The Helpful Congressman

"I'm sorry to have kept you waiting," the friendly Congressman said, as he bustled into his plush Capitol Hill office. "I'm really not sure what I can do for you, though," he said, taking his place behind his big oak desk.

"Thank you for taking the time to meet with us, Congressman," Inspector Jones said, taking his place in the leather chair opposite the desk. In the Inspector's experience, a man of the Congressman's power and position was almost never in possession of truly important information. Still, one had to play "the game" in Washington, that most political of towns, and the Inspector dutifully did his part.

"As you know," he began, "we're investigating the disappearance of one Miss Chandra Levy—"

"Never heard of her!" snapped the Congressman.

"Well, wasn't she an intern in this office?" Inspector Jones re-read his notes. It wasn't like him to get a detail of this nature incorrect. Still, these things did happen.

"Oh, well, yes, I think . . . I mean . . . I suppose that she might have been, I guess . . . These young people, Inspector, they come and go so fast . . . so terribly fast . . . it's . . . it's . . . it's so hot in here, don't you think?" The Congressman dabbed at his forehead with a handkerchief.

"I'm not hot, sir," Inspector Jones said, helpfully. He was, in fact, rarely physically uncomfortable at all. A man of his extreme intelligence and brilliant natural insight eventually overcomes sensitivities to external conditions. He crossed over to the large picture window and stared out at the city.

"You're not? I'm boiling!" cried the Congressman, squirming with discomfort at his desk. "I just don't know why I'm being subjected to the inquisition here. I feel like I'm on trial. Whatever happened to innocent until proven guilty? Huh? I mean, what are you accusing me of? You think I killed Chandra, is that it? That's . . . that's . . . absurd. I'm laughing at you, Inspector. You amuse me! It's a crazy suggestion. That I killed . . . why would I? I mean, why? What could possibly be my motive for meeting her late at night near my apartment and chopping her into pieces and scattering the remains in Rock Creek Park? That we were lovers? What an insane suggestion! How dare you come to my office and accuse me of . . . of . . . I mean, it's just crazy to think that I . . . I . . . I think I'd like you to leave, Inspector."

"You know," Inspector Jones said slowly, as he stared out of the window, "I think I can see my house from here."

"What?"

"I'm sorry, Congressman," Inspector Jones said. "Were you saying something?"

"Um . . . no."

Chapter Sixty-Three: An Unusual Discovery in Rock Creek Park

"What do you think, sir?" the young patrolman asked. It was his first encounter with the well-known super-detective, and he wanted to get as much out of the meeting as he could.

Inspector Jones smiled. A lot of the younger men on the force looked up to him. They saw the medals and awards, the invitations to world conferences, the dinners at the White House, and they envied him the glamour and the perks. What they didn't see, the Inspector thought ruefully, was the strain of so much brilliance and deductive genius—the heavy burdens of his gifts, and his crushing sense of responsibility to live up to his almost superhuman ability to solve crimes.

"I don't think it's anything, Patrolman," the Inspector said, kicking at a pile of debris that the patrolman had pointed out. "Just some bones and a skull-looking thing. What say we go back to headquarters and push pins into the big map?"

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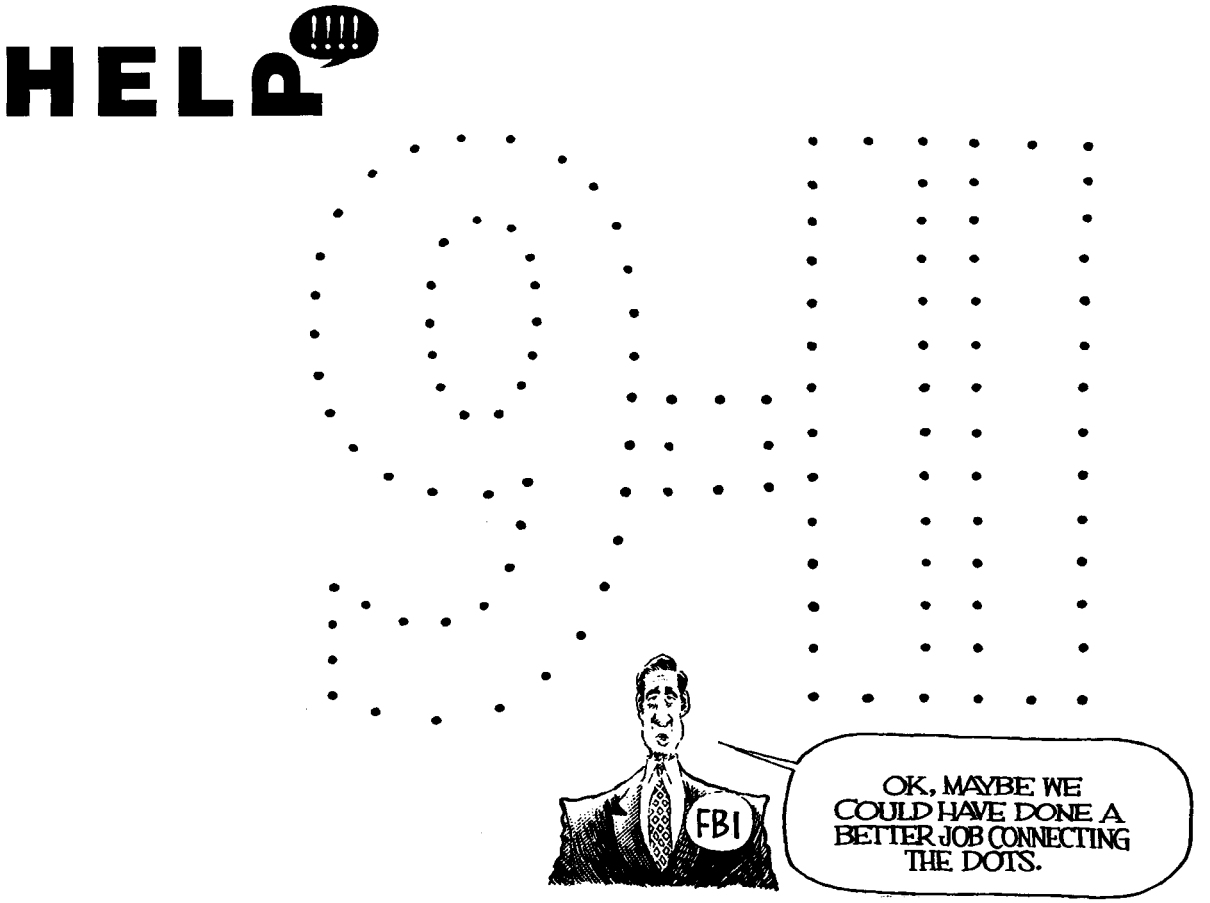

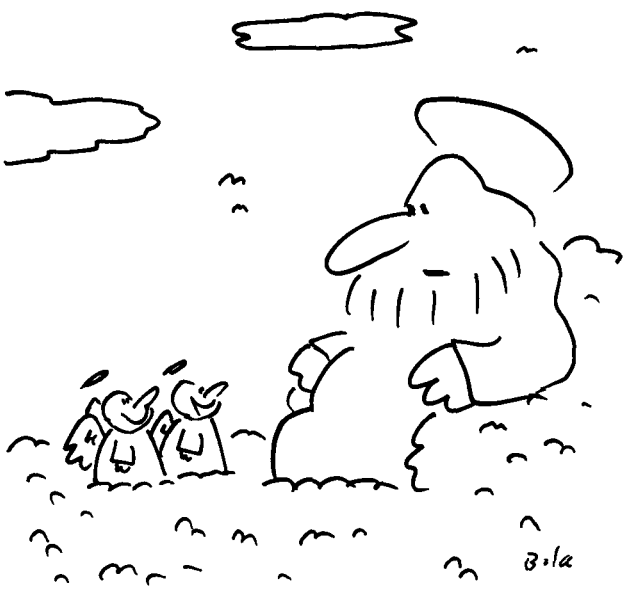

"We're almost done with the Milky Way—where do you want us to put the antimatter?"

Cover Your Rear, Dear

A whistle-blower's lot is not
A happy one; though she gets what
Appear like reassurances,
She'll ultimately get the biz—
No raises, no more chummy chats
Around the water cooler—that's
The least of it: until the heave
Arrives some snowy Christmas Eve.

—W. H. von Dreele

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CENTRAL INTELLIGENCE AGENCY
STILL PICKING UP A LOT OF OMINOUS CHATTER...
YOU GOTTA LAY OFF THE CABLE NEWS CHANNELS, BOB...
9 PM EASTERN
"OH MY GOD!"
TONIGHT ON FOX NEWS
TONIGHT AT 9 PM EST
HELP US SOMEBODY... AAAAIEEEE!!!
MSNBC
CNN
TONIGHT
WE'RE ALL GONNA DIE!
9 PM EST

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Taking the Oxymoron Out of "Hip Conservative."

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Books, Arts & Manners

Spoiled Sports

KATHRYN JEAN LOPEZ

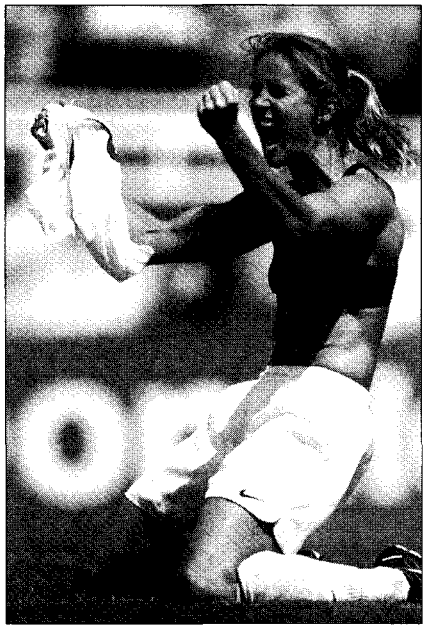
Tilting the Playing Field: Schools, Sports, Sex, and Title IX, by Jessica Gavora (Encounter, 181 pp., $24.95)

WHEN Brandi Chastain stripped down to her sports bra after helping the U.S. team win the women's World Cup soccer championship, it was page-one news—one of the most memorable images of 1999. As the current legend has it, neither that win, nor Chastain's display, nor indeed *any* victory for women's sports would ever have been possible without a law known as "Title IX."

Jessica Gavora knows the value of girls' sports. The same year Title IX was passed—1972—Gavora, author of *Tilting the Playing Field*, was playing fourth-grade basketball in Fairbanks, Alaska. Inspired by competition with her brother, she played basketball through high school. In grade school, she says, she had been awkward, too tall, and an "uninspired student": "What saved me was sports." Today, Gavora is chief speechwriter to attorney general John Ashcroft (and wife of National Review Online editor Jonah Goldberg).

So this new book is emphatically *not* a polemic against girls' sports; it is, rather, the chronicle of a law that, as Gavora says, "more than any other federal law" has been "interpreted and twisted and bent outside the institutions of our electoral democracy."

Passed as an amendment to an education bill, Title IX was patterned on the 1964 Civil Rights Act. In the minds of its congressional sponsors, it actually had little to nothing to do with women's crew and men's wrestling—or indeed any other sport. It was crafted as a general protection against discrimination, stating simply: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." What the backers had in mind, says Gavora, was not sports but "more prosaic educational benefits, like admission to schools and programs, access to financial aid and career opportunities."



AFP/Corbis/Roberto Schmidt

No thanks to Title IX

The legislators were in fact concerned about the potential for abuse of the Title IX legislation, so they included in it an explicit provision against quotas:

> Nothing [in the law] shall be interpreted to require any educational institution to grant preferential or disparate treatment to the members of one sex on account of an imbalance which may exist with respect to the total number or percentage of persons of that sex participating in or receiving the benefits of any federally supported program or activity, in comparison with the total number or percentage of persons of that sex in any community, State, section, or other area.

But Title IX has come a long way, baby. Today Title IX—which, to most Americans who have heard of it, means "women's sports"—does *exactly* what that provision in the law forbade it to. Feminists are celebrating this sainted law's 30th anniversary this year—with Lifetime cable specials, prime-time hours on ESPN handed over to quota fanatics, galas, the works (there's even a women's sports-clothing catalog named "Title 9 Sports")—but unrecognized in most of these events will be the casualties of the Title IX numbers game: men.

As Gavora explains, this law benignly written "to end discrimination against women" has had the effect of "causing discrimination against men." The stories are all similar, and every year the casualty list gets longer—as more and more men's high-school and college teams are eliminated to make room for women's teams. Much to the delight of feminists, the Clinton Education Department added to the Title IX law a standard that sports programs be "proportional": If a school's student population is 60 percent women and 40 percent men, the sports have to reflect that breakdown exactly—even if 60 percent of the women don't want to play sports. Otherwise, it's Cutsville for the men—meaning not just the team destroyed and players displaced, but student athletes often forced out of college altogether, or into a search for similar programs at other schools because they have lost precious scholarship money. Since 1972, according to the General Accounting Office, over 170 wrestling programs, 80 tennis teams, 70 gymnastics teams, and 45 track teams have been eliminated—all men's teams. In high schools, while girls' sports have increased ninefold in the Title IX years, boys are just about where they were 31 years ago. This is the legacy of Title IX.

Sterling Martin, renowned coach of

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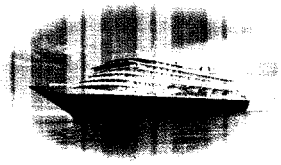


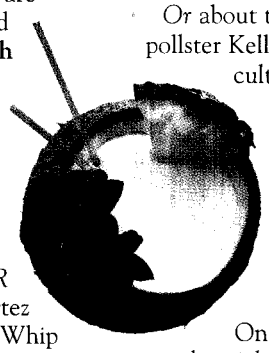
THE NATIONAL REVIEW 2002
POST-ELECTION MEXICO CRUISE

Sailing November 16–23 aboard Holland America's MS *Ryndam* with

KENNETH STARR, MILTON FRIEDMAN, WILLIAM F. BUCKLEY JR, ARTHUR LAFFER, KATE O'BEIRNE, RICH LOWRY, CAL THOMAS, KELLYANNE CONWAY, JAY NORDLINGER DINESH D'SOUZA, RAMESH PONNURU; TOM DELAY AND DAN QUAYLE ALSO EXPECTED

Here's your special opportunity to take part in one of the most exciting seafaring adventures you will ever experience: the ***National Review* 2002 Post-Election Mexico Cruise**. Featuring an incredible cast of conservative celebrity speakers—and extremely affordable accommodations—this special trip will take place November 16–23, 2002, aboard Holland America Line's stunning MS *Ryndam*.

This is a *unique* opportunity to meet America's most preeminent conservative celebrities: "Definites" for this special voyage are Judge **Kenneth Starr**, economists **Milton Friedman** and **Arthur Laffer**, columnist **Cal Thomas**, author **Dinesh D'Souza**, and ace pollster **Kellyanne Conway**. They'll be joining *NR* founder **William F. Buckley Jr.**, Editor **Rich Lowry**, Washington Editor **Kate O'Beirne**, Senior Editor **Ramesh Ponnuru**, and Managing Editor **Jay Nordlinger** for a relaxing week of political shop-talk, conservative revelry, and world-class cruising.



Also "strongly interested" in joining the hundreds of *NR* readers who'll take our trip to the sun-drenched Sea of Cortez are former Vice President **Dan Quayle** and House Majority Whip **Tom DeLay**. Without question, that's an *incredible* line-up.

Not only will our Mexico sojourn feature a spectacular speaker ensembles—it will also be the most affordable *NR* voyage ever (this will be our 12th!). If you've never been on an *NR* cruise make this your *first:* Prices start at an *incredibly* low $1,999!

An *NR* cruise is your chance to meet and intimately discuss politics and policy with some of the true giants of conservative affairs. Our exciting seminars—we've scheduled five panel sessions on our Mexico sojourn—allow for ample audience "Q & A," providing a scintillating take on current events. Imagine:

Where does one even begin to ask Ken Starr questions?!

Who better than renowned Nobel Prize-winning economist Milton Friedman and Arthur Laffer—the man behind that most famous of curves—to discuss America's fiscal health?!

Can you get better insight on the Bush administration and the prosecution of the War on Terrorism than from Dan Quayle?!

Or about what's *really* happening on Capitol Hill than from Tom DeLay?!

Or about the public's mood on major issues than from ace pollster Kellyanne Fitzpatrick?!—*or* better analysis on America's culture conflicts than from columnist Cal Thomas or author Dinesh D'Souza?!

These conservative giants will be joined in politica elucidating and sharp-shooting by *NR*'s editoria heavyweights, led by William F. Buckley Jr., wh will be ably assisted by Rich Lowry, Kate O'Beirne Ramesh Ponnuru, and Jay Nordlinger.

On top of the exclusive "extras" *NR* offers—seminar and social events (we'll have three cocktail receptions and tw late-night poolside "smokers" featuring **H. Upmann** cigars), an intimate dining with speakers—is a *great* cruise on a *great* ship. Th *Ryndam* is one of the more beloved vessels of Holland America Lin (which readers of *Travel & Leisure* last year voted the world' Highest-Rated Premium Cruise Line!).

On the ***National Review* 2002 Post-Election Mexico Cruise** you' find the *Ryndam*'s accommodations (elegant staterooms and glam orous public spaces teeming with antiques) to be truly luxurious and matched by the indulgent, courteous staff, superior cuisine, and top-notch entertainment and excursions.

A FANTASTIC WEEK OF FUN, SUN, AND CONSERVATIVE REVELRY

DAY/DATE	PORT	ARRIVE	DEPART	SPECIAL EVENTS
Sat/Nov. 16	San Diego		6:00PM	
Sun/Nov. 17	AT SEA			afternoon seminar evening cocktail reception
Mon/Nov. 18	AT SEA			morning/afternoon seminars late-night poolside smoker
Tues/Nov. 19	Loreto	7:00AM	5:00PM	
Wed/Nov. 20	Pichilingue/La Paz	8:00AM	6:00PM	evening cocktail reception
Thur/Nov. 21	Cabo San Lucas	7:00AM	4:00PM	afternoon seminar late-night smoker
Fri/Nov. 22	AT SEA			afternoon seminar evening cocktail reception
Sat/Nov. 23	San Diego	8:00AM		

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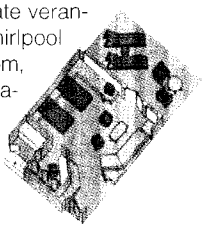
OVER 160 CABINS RESERVED ALREADY! DON'T DELAY, BOOK TODAY!
SPECTACULAR STATEROOMS STARTING AT ONLY $1,999 P/P!

Travel experts agree: Holland America Line offers high-valued premium cruising. Superior service, gourmet cuisine, elegant accommodations, and great entertainment await you on the beautiful *Ryndam*. Prices are per-person, based on double occupancy, and include port fees, taxes, gratuities, transfers (for those booking airfare through HAL), all meals, entertainment, and admittance to and participation in all *National Review* functions. Rates for third/fourth person in cabin: $1,199 p/p for ages 2 and older, $752 p/p for children younger than 2.

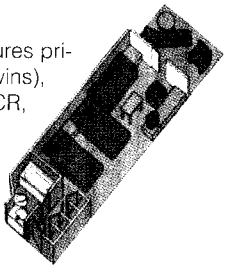
SUITE Luxury quarters (563 sq. ft.) features private verandah, king-size bed (convertible to 2 twin beds), whirlpool bath/shower, floor-to-ceiling windows, dressing room, large sitting area, sofa bed, VCR, mini-bar, refrigerator, concierge service, complimentary personalized stationery, hors d'oeuvres, dry cleaning, and more, plus special disembarkation privileges.



SOLD OUT

Category S
DOUBLE OCCUPANCY RATE: $ 3,599 P/P
SINGLE OCCUPANCY RATE: $ 5,999

MINI SUITE Large stateroom (284 sq. ft.) features private verandah, king-size bed (convertible to 2 twins), sofa bed, whirlpool bath/shower, sitting area, VCR, mini-bar, refrigerator, floor-to-ceiling windows.

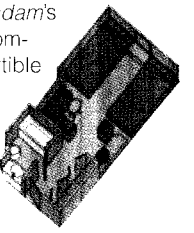


SOLD OUT

Categories A and B
"A" DOUBLE OCCUPANCY RATE: $ 2,999 P/P
"A" SINGLE OCCUPANCY RATE: $ 4,599

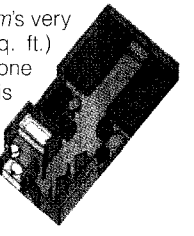
"B" DOUBLE OCCUPANCY RATE: $ 2,899 P/P
"B" SINGLE OCCUPANCY RATE: $ 4,299

LARGE OUTSIDE STATEROOM The *Ryndam*'s large "Outside Staterooms" (197 sq. ft.) are comfortable and feature a queen-size bed (convertible to 2 twin beds), a large picture window, plus bath/shower combination.



Category D
DOUBLE OCCUPANCY RATE: $ 2,499 P/P
SINGLE OCCUPANCY RATE: $ 2,999

LARGE INSIDE STATEROOM The *Ryndam*'s very accommodating "Inside Staterooms," (182 sq. ft.) offer 2 twin beds that are convertible to one queen-size bed, plus a bath with shower. This is a very affordable category designed to provide you with maximum comfort.



Category K
DOUBLE OCCUPANCY RATE: $ 1,999 P/P
SINGLE OCCUPANCY RATE: $ 2,599

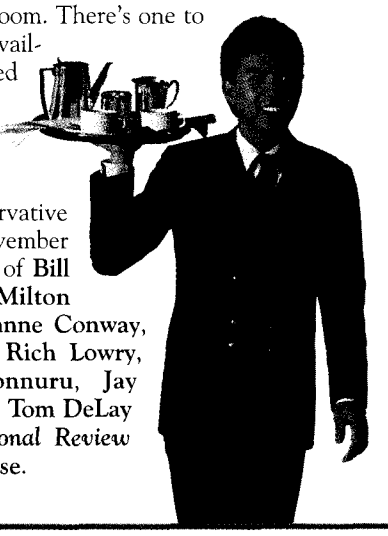
You'll want to join us for the exciting political discussions, the luxurious cruise experience, and the rest and relaxation you so richly deserve. *And* for the remarkable destinations. The ***National Review* 2002 Post-Election Mexico Cruise** will feature a balmy itinerary, starting in San Diego and—over seven glorious days around the "Baja California Sur"—visiting beautiful **Loreto, La Paz** (and nearby **Pichilingue**) and **Cabo San Lucas** (plus scenic cruising of "Sierra de la Giganta"). Here are some port highlights:

LORETO: *Frommer's Mexico 2002* guide puts it best: Loreto "is a rare gem that sparkles under the desert sky. Here, the purple hues of the Giganta Mountains meet the indigo waters of the Sea of Cortez, providing a spectacular backdrop of natural contrasts for the town's historical past." Site of the first mission in the Californias (*Mision Nuestra Señora de Loreto* and *Museo de las Misiones* are must-sees) and the first European settlement on the Baja, Loreto remains, says *Frommer's*, "the wonderfully funky fishing village and well-kept secret that it has been for decades."

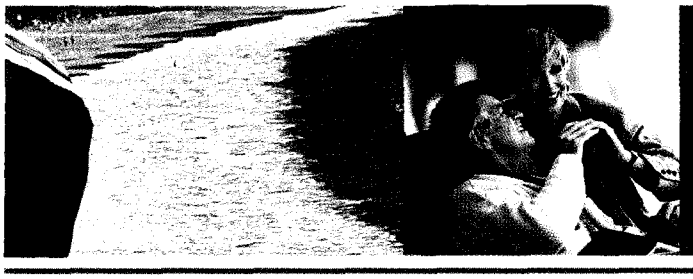
LA PAZ/PICHILINGUE: "La Paz," says *Frommer's*, "means 'peace,' and the feeling seems to float on the ocean breezes" here. It "remains slow-paced and relaxed . . . an easy-going sophisticated city and the guardian of 'old Baja' atmosphere, with beautiful deserted beaches just minutes away that compliment the lively beach and malecón that fronts the town center." Best known from John Steinbeck's *The Pearl*, La Paz—a haven for kayaking, fishing, and diving (you can even swim with sea lions off Espíritu Santo and Los Islotes)—is "the undisputed adventure capital of Baja."

CABO SAN LUCAS: Once renowned for big-game fishing, Cabo San Lucas is now a mecca for golf (there are Jack Nicklaus- and Robert Trent Jones-designed courses here—we'll be setting up an exclusive *NR* outing for any wanna-duffers), kayaking, and superior "R&R"-ing on gorgeous beaches.

Over 160 cabins have been reserved, many by *NR* cruise "alumni" (they come back again and again because of the wonderful experiences our trips provide). Sign up today and join them for on what will be one of the best weeks you will ever enjoy. Just fill out the application form on the following page, and return it (by mail or fax) so you can secure your stateroom. There's one to fit everyone's taste and budget (available on a first come, first served basis). You'll also find pricing on Holland America's affordable "Fly Cruise" airfare program.



Take part in a truly special conservative event. Join us in Mexico this November on the *Ryndam*, in the company of **Bill Buckley, Kenneth Starr, Milton Friedman, Arthur Laffer, Kellyanne Conway, Cal Thomas, Dinesh D'Souza, Rich Lowry, Kate O'Beirne, Ramesh Ponnuru, Jay Nordlinger**, and, we're confident, **Tom DeLay** and **Dan Quayle**—on the ***National Review* 2002 Post-Election Mexico Cruise.**



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National Review 2002 Post-Election Mexico Cruise Application

Mail to: National Review Cruise, The Cruise Authority, 1307 Powers Ferry Rd., Marietta, GA 30067-5409 or Fax to 770-916-1425

Please fill out application completely and mail with deposit check or fax with credit-card information. One application per cabin. If you want more than one cabin, make copies of this application. For questions call The Cruise Authority at 800-707-1634.

Personal

Shirt size (M/L/XL)

Name #1 (full legal name) + Nickname

Shirt size (M/L/XL)

Name #2 (full legal name) + Nickname

Names #3 & #4 (if taking others in your cabin)

Street Mailing Address

( )

City State ZIP

Daytime Phone

Special Information (medical conditions, celebrating anniversary, etc.)

Payment

A deposit of $700 per cabin is due with this application. Cabins and categories are available on a first come, first served basis. *Suites are limited!*

☐ My deposit of $350 per person is included.
(Make checks payable to "National Review Cruise")

☐ Charge to: AmEx ☐ Visa ☐ MasterCard ☐ Discover

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

Expiration Date (Month) ☐☐ (Year) ☐☐

Authorized Signature of Cardholder/Guest

Information and price quote on Cancellation Fee Waiver/Medical Insurance will accompany your statement. Cancellation Penalty Schedule follows (cancellations must be received in writing by the date indicated):

PRIOR *to June 14, 2002*	*$50 per person*
June 14, 2002 to Augus16, 2002	*$350 per person*
AFTER *August 16, 2002*	*100% of cruise/package*

04/08/NR

Cruise

(All rates are per person, double occupancy, and include all port charges and *taxes, all gratuities, meals, entertainment, and National Review activities.* Cruise-only rates include all of above except airfare and transfers. Failure to appear for embarkation for any reason constitutes a cancellation subject to full penalties. Personal items not included.)

PLEASE CHECK ALL APPLICABLE BOXES!

I. CABIN CATEGORY *(see list and prices on previous page)*

*First cabin category choice:*_____ *Second cabin category choice:*_____

Bedding: Beds made up as ☐ Twin ☐ King/Queen

BOOKING SINGLE? ☐ Please try to match me with a roommate. (My age: ____)

II. AIR/TRANSFER PACKAGES

☐ We will provide our own roundtrip air and transfers to and from San Diego.
☐ Include air with our package from _____ (see list below).
☐ We need to purchase transfers from the airport to the ship at $20 per person.

III. GENERAL INFORMATION

CITIZENSHIP: Is everyone a U.S. citizen? ☐ Yes ☐ No
If No, indicate citizenship: _____
DINING: I wish to dine with _____

DINNER: ☐ 8:15PM ☐ 6:15PM (conflicts with dining with speakers/events)

IV. PRE- AND POST-CRUISE TOUR PACKAGES

☐ Please send me information on pre-/post-cruise packages in San Diego.

Important!

Everyone cruising will be required to bring either a valid passport OR a certified birth certificate (with raised seal!), plus photo ID. Failure to do so may result in being denied boarding of the *Ryndam*. Children do not require photo ID.

Responsibility: Notice is hereby given that the cruise advertised herein, including all tickets, vouchers and coupons issued and all arrangements for transportation or conveyance or for hotel or lodging or for sightseeing services are made by H20 Ltd. d/b/a The Cruise Authority (TCA) on behalf of National Review, as agency for Holland America Line (HAL), and/or service providers and/or suppliers providing services necessary for operation of the tour upon the express condition that TCA shall not be liable for injury, damage, loss, accident, delay or irregularity to any tour participant or his or her property that may result from any act or omission of any company, contractor or employee thereof providing services in connection with the tour, including but not limited to transportation, lodging, food and beverage, entertainment, sightseeing, luggage handling and tour guiding. Furthermore, TCA cannot be held responsible for delays or costs incurred resulting from weather and road connections, breakdowns, strikes, riots, acts of God, authority of law or other circumstances beyond its control. In the event that a participant be entitled to a refund of monies paid, TCA will not be liable in excess of amount paid. TCA reserves the right to decline any persons as a tour participant at any time. TCA is not responsible for price increases imposed by HAL and/or service providers. Such increases may be implemented prior to deposit received. TCA is not responsible for breach of contract or any intentional or careless actions or omissions on the part of HAL and/or service providers, such as suppliers of tours or other services used or obtained on or at the time of the cruise or shore excursions, which result in any loss, damage, delay or injury to you or your travel companions or group members. TCA does not guarantee any of such suppliers rates, booking or reservations and TCA shall not be responsible for any social or labor unrest, mechanical or construction difficulties, diseases, local laws, climate conditions, abnormal conditions or developments or any other actions, omissions or conditions outside of TCA's control. TCA, nor National Review shall be responsible for the accessibility, appearance, actions or decisions of those individuals promoted for this cruise. By embarking upon his or her travel, the traveler voluntarily assumes all risks, and is advised to obtain appropriate insurance coverage against them. Retention of tickets, reservations, or package after issuance shall constitute a consent to the above and an agreement on your part to convey the contents hereof to your travel companions.

AIR TRAVEL: Let us make your air travel arrangements with **Holland America's "Fly Cruise" Program**, which offers a convenient air program that includes round-trip, economy-class air transportation (First Class air is available on request; you cannot use frequent flyer points to upgrade these airfares to First Class), and all baggage transfers, from the following cities:

AL	Birmingham	669	FL	Jacksonville	549	KS	Wichita	549	MO	Springfield	619	NC	Raleigh/Durham	689	SC	Columbia	689	VA	Richmond	689
	Huntsville	679		Miami	599	KY	Lexington	619		St. Louis	559	OK	Oklahoma City	619		Greenville	689		Roanoke	689
	Mobile	599		Orlando	599		Louisville	619	MT	Billings	519		Tulsa	619	TX	Amarillo	619	WA	Seattle	379
AR	Little Rock	549		Pensacola	689	LA	Baton Rouge	619	NE	Omaha	619	OH	Akron	619		Austin	559		Spokane	479
AZ	Phoenix	289		*Tampa*	609		*New Orleans*	549	NV	Las Vegas	309		*Cincinnati*	549		*Corpus Christi*	549	WI	*Madison*	619
	Tucson	289	GA	Augusta	689		Shreveport	619		Reno	289		Cleveland	559		Dallas/Ft. Worth	539		Milwaukee	549
CA	Fresno	319		Atlanta	599	ME	Bangor	689	NJ	Newark	609		Columbus	539		El Paso	549			
	Los Angeles	259	HI	Honolulu	809		Portland	689	NM	Albuquerque	519		Dayton	619		Houston (IAH)	539		CANADA ($USD)	
	Oakland	289	ID	Boise	519	MD	Baltimore	599	NY	Albany	689		Toledo	619		Lubbock	619		Calgary	589
	Sacramento	289	IL	Chicago	549	MA	Boston	669		Binghamton	669	OR	Medford	369		Midland/Odessa	579		Edmonton	589
	San Francisco	289		Peoria	619		Worcester	689		Buffalo	679		Portland	379		San Antonio	539		Montreal	669
	San Jose	289		Springfield	619	MI	Detroit	549		New York	609	PA	Allentown	609	TN	Chattanooga	619		Ottawa	679
CO	Col. Springs	519	IN	Evansville	619		Grand Rapids	619		Rochester	689		Harrisburg	689		Knoxville	619		Quebec	719
	Denver	529		Ft. Wayne	619	MN	Mnpls/St. Paul	559		Syracuse	6859		Philadelphia	599		Memphis	619		Toronto	659
CT	Hartford	609		Indianapolis	549		Rochester	619	NC	Asheville	679		Pittsburgh	599		Nashville	619		Vancouver	439
DC	Washington	609	IA	Cedar Rapids	619	MS	Jackson	669		Charlotte	679	RI	Providence	689	UT	Salt Lake City	459		Victoria	559
FL	Fort Lauderdale	609		Des Moines	559	MO	Kansas City	549		Greensboro	689	SC	Charleston	689	VA	Norfolk	669		Winnipeg	619

IMPORTANT NOTES: 1. These air add-ons apply to the cruise or cruise + pre- or post-cruise package. All transfers for air/sea passengers are included. 2. Should you elect to provide your own air transportation, note that transfers from the airport to the Ryndam (Port of San Diego near downtown) are not included; the distance from airport to cruise ship is very close. Schedule your arrival in San Diego leaving plenty of time for flight delay! You should arrive in San Diego no later than 2:00pm on November 16th. Your return flight from San Diego should not be arranged before 11:00am on November 23rd. 3. Should you wish to deviate your air from the "standard" schedule, Holland America Line charges $50pp for this service. All requests must be sent in writing to The Cruise Authority. Air deviation fees are non-refundable. 4. Any special seat assignments or other requests must be made directly with the participating air carrier. You will receive your air schedule approximately 30 days prior to departure date. 5. Transfers are available for purchase from the San Diego airport for $20 per person, and must be arranged for in advance via The Cruise Authority.

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the Bowling Green University track team—a team that has a large percentage of minority athletes, and has even produced an Olympic gold medalist—is now out of a job at Bowling Green. He is considering ending his 15-year career as a track coach because he's not confident that there's going to be much of a future left for men's track coaches.

For Title IX, it has been a weird evolution. As Gavora points out, feminists want sports to be both separate and equal. They want separate teams, because they are not stupid: They know that most women are not going to make the cut on a justly selected co-ed team. But they also want things the same—the "same opportunities." But how exactly are you going to guarantee that, when men and women simply aren't going to be interested in the same sports and with the same level of enthusiasm?

Feminists have not even come close to dealing with these problems. Gavora sets forth their inexorable "logic":

> The gender-quota logic . . . begins with the presumption that men and women, boys and girls are identical in their athletic interests, equally eager to kick a soccer ball or wield an oar. And if interests are equal, then "equity" between men and women dictates that actual participation must also be equal. There must be just as many girl athletes per capita at any given school as there are boy athletes. Anything less is prima facie proof that someone is being discriminated against.

Title IX therefore leads to a clearly unjust result. Women today have the upper hand in just about every area of education—*except sports*, so feminists are now demanding special privileges in that area as well. "Far from being held back by vestigial discrimination in academia, girls and women from kindergarten to graduate school are thriving," Gavora writes. "They increasingly dominate in universities and graduate schools. And on virtually every indicia of academic achievement, they outshine boys and men. With few exceptions, they outperform, outscore, and outgraduate their male counterparts in the nation's education system." They now seek a feminist utopia in sports—however forced and unfair it might be.

It's true what the gals say, though: Women have prospered in sports over the last few decades, and not just because they have more teams at schools. But it was not because of Title IX that Brandi Chastain and her team won the World Cup. "The formative soccer experience of the women's national team—like that of millions of American girls," Gavora writes,

> was not in school-sponsored play under rigid rules about gender equity but in independent youth leagues. Here, outside the jurisdiction of Title IX, competition for young girls has proliferated in the past quarter-century with a governance comprised not of federal bureaucrats but of moms and dads who shuttle pigtailed players to and from practice in minivans.

Amidst all this celebrating of a law the girls don't need and the guys definitely don't, is there hope for men's sports? Moneymakers like college football will always prosper—but what about the less lucrative sports, like those featured in the Olympics? A group of college-coaches associations—representing wrestling, gymnastics, and track—are suing the federal government. It's not Title IX per se they have in their sights, but rather the warped feminist interpretation of it that the Clinton administration and the courts have turned into binding law. Despite a recent loss—the Bush administration backed down from an opportunity to make a pre-anniversary change in the reading of the law—the guys have some friends both in the administration and on the Hill (House Speaker Denny Hastert was a high-school wrestling coach). Overall, though, men's sports remain undeniably on the defensive, literally fighting for the lives of their programs against the preponderance of media and uninformed public opinion.

Those who have been injured by the perversion of Title IX have a treasure in Jessica Gavora's excellent new book. She is a talented advocate, offering definitive history and policy analysis, along with stories that will tug at your heartstrings and inspire you to take up arms alongside those who are working to undo what Title IX has done. High-school and college sports are long overdue for a time-out—to level the playing field, and let the guys back into their games. **NR**

Eschaton Redux

AUSTIN W. BRAMWELL

Eric Voegelin: The Restoration of Order, by Michael P. Federici (ISI, 250 pp., $24.95)

TODAY'S challenge: Try, nonchalantly, to work into an everyday conversation the phrase "immanentization of the eschaton." Obscure to the point of pedantry yet luminous in its wisdom, the phrase bears the marks of its creator, Eric Voegelin, the 20th-century German émigré and political philosopher. In Jewish and Christian religion, the "eschaton" is the end time, when God will make heaven out of earth. Immanentization of the eschaton is thus a baroque term for "utopianism," which Voegelin regarded as the central error of modern times.

There is more to it than that, of course. Any free-market economist can warn you of the dangers of utopianism. Voegelin's formulation does not merely restate conservative chestnuts about human nature or the inefficacy of state planning, but suggests a far more peculiar, if not counterintuitive, conclusion: The crisis of the West is at root spiritual and is precipitated by the misappropriation of its religious symbols. To be more exact, our political problems are in fact problems within our souls, which have lost their capacity to experience the divine.

To explicate these and other difficult ideas, Voegelin canvassed several times over the whole of Western intellectual history in a series of multi-volume works, and developed a technical vocabulary all his own. To grasp even a part of Voegelin's system is beyond the stamina and ken of most professors, to say nothing of most laymen. The world should thus render thanks to Michael P. Federici for having produced this book—a small miracle of clarity and concision. Federici introduces the major phases of Voegelin's

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thought, explains key concepts, and even provides thoughtful responses to some of Voegelin's critics. Perhaps most helpful of all, Federici appends a glossary of over 100 Voegelinian terms of art. (After "immanentization of the eschaton," bonus points can be awarded for "theogonic process" and "metastatic apocalypse.")

Born in Germany in 1901 and raised in Vienna, Voegelin shares not a few traits with that other giant of American political philosophy, Leo Strauss. Both fled the Nazi regime to assume academic posts in America, both argued that "premodern" philosophy could remedy contemporary ills, and both found votaries primarily on the American right. Most importantly, both belonged to the post-war generation of right-wing "gloominaries"—who feared that the liberal West did not have the moral fortitude to resist the totalitarian threat. As Whittaker Chambers said of abandoning Communism, "I know that I am leaving the winning side for the losing side."

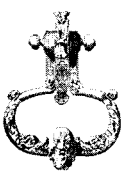
Whereas Strauss continues to inspire new generations of epigones, however, Voegelin remains admired but largely ignored. One reason is the comparative difficulty of Voegelin's work; another is that his ideas do not lend themselves very well to an ideological movement. Few young men and women can forget the frisson they felt when they read Strauss for the first time and suddenly became initiated in the secret history of Western thought; what Ayn Rand is to the 14-year-old, Leo Strauss, it seems, is to the 19-year-old. Voegelin, by contrast, requires the patience of middle age and does not provide the same sort of fearless delight.

Ironically for a political philosopher, Voegelin downplayed the importance of politics, arguing instead that problems generally viewed as political could be rectified by a recovery of religious experience. Voegelin was not quite as gloomy as his fellow gloominaries; although Federici devotes one of his seven chapters to Voegelin's account of the "crisis of the West," he is at pains to insist that Voegelin did not regard the crisis as permanent. Eventually, according to Voegelin, reality will reassert itself, and the pinched ideologies—Marxism, secularism, progressivism—that seek to cut us off from the experience of the divine will subside.

Time has, however, left a first sprinkling of dust on Voegelin's thought about these matters. Having witnessed the rise of both Nazism and Communism, he concluded that modernity had made such evils irresistible; by 1989, a mere four years after his death, a new generation was busy arguing that it had made their defeat inevitable. We can now envision the end of history, and liberal democracy will have won.

Or will it have? Today the West faces a threat not from within (although, let us not forget, in some Western nations Communism's energies have yet to give out) but from without. The largest disappointment in Federici's book is that, as brilliantly as it explains Voegelin's contribution, it does not attempt to explain his continuing relevance. This is a pity, for in Voegelin one may well find an understanding of the West as astute now as it was a half-century ago. Since September 11, awkward accounts of what we are fighting for have abounded. Is it the openness and supposed skepticism of Western society that we prize? No, for an entirely "open" society, as the European electorate may now be discovering, cannot defend itself against those who would destroy it. Is it its emphasis on individual rights? No, for although we should certainly continue to defend these rights, an exclusive focus on them undermines individual responsibility, frays the bonds of community, and at times renders us less humane. The obdurate rhetoric of "reproductive rights" should be enough to give anyone pause.

Voegelin has an alternative defense: What makes the West worth fighting for is its unique experience of the transcendent. From Athens we have inherited the achievements of our science, from Jerusalem the sanctity of the individual, and from their combined patrimony the glories of our art and our constitutional government. Some might argue that the legacy of Athens, insofar as it is significant, is primarily secular. Not so, says Voegelin. Socrates himself claimed to be in the thrall of a god who compelled him to ask questions. The Greek quest for knowledge, which Christian and Jewish scientists have continued, is a theological quest like any other. It is always the Muse who calls us to drink from the Pierian spring.



Federici's brevity, however, can sometimes be as frustrating as it is welcome. In describing Voegelin's experience with National Socialism, Federici recounts that no less a figure than Thomas Mann accused Voegelin of insufficient hostility to the Nazis. Federici assures us of the unimpeachability of Voegelin's record on that score, and although there is no reason to doubt him, he leaves us hungry for details. A thinker's relationship with Nazism oftentimes provides illumination of his career in general. For some, such as the glossolalial poet-philosopher and Nazi collaborator Martin Heidegger, it is the touchstone for all other assessments. One wonders how exactly Voegelin resisted the Nazi influence.

In all other respects, however, Federici's book is unassailable. He is admirably detached in evaluating Voegelin's achievement—which, while immense, is not without shortcomings. The notion, axiomatic for Voegelin, that all political arrangements reflect the arrangement of the soul is at least as old as Plato's *Republic*, but has not become any less problematic with age. Although he does his best to explain how Voegelin thought an individual's discovery of transcendence gives rise to a political order, Federici ultimately admits that "Voegelin tends to conceive of transcendence in a way that makes its application to politics rather awkward and hesitant." At this, the perplexed but trusting reader will no doubt breathe a heavy sigh of relief.

Nevertheless, few readers will also come away from Federici's book thinking that Voegelin was anything less than prophetic. Federici is at his best when explaining how Voegelin differs from the philosophers he opposed. Marx, Nietzsche, and Heidegger, Federici writes, misconceived the essence of modern life because they lacked the imaginative vision of a Voegelin. Specifically, Voegelin remained open to reality, even transcendent reality, while they remained closed. Russell Kirk is said to have described conservatism as openness to reality, and modern ideologies as attempts to allow us to see only a part of it. If this is so, Eric Voegelin has done as much to open our minds and spirits as any other philosopher of the 20th century. **NR**

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The Left's Lion

RONALD RADOSH

Who Owns History? Rethinking the Past in a Changing World, by Eric Foner (Hill and Wang, 256 pp., $24)

ERIC FONER of Columbia University is one of our nation's most acclaimed historians. A past president of both the American Historical Association and the Organization of American Historians, he is best known as the author of pioneering revisionist studies of Reconstruction and of Republican ideology before the Civil War, as well as other books on ideology and politics in the Civil War era. He is also one of the foremost exponents of what has become known as "radical history": the euphemism of choice for Marxist and neo-Marxist historians who seek to overturn the old mainstream political history. Indeed, so devoted is Foner to this aim that he even criticizes his first book, *Free Soil, Free Labor, Free Men* (1970)—a solid work of scholarship and history that justly gave him a major reputation—as "a curiously old-fashioned book" because it lacked the orientation of the so-called "new histories." These new works focus not on political narrative and ideology, but on the intersecting links of "gender," "class," and "race": the codewords of the new politically correct postmodern, Marxist, and feminist historians.

Now, in this collection of new and old essays, Foner seeks to use his expertise and position to enter the fray as a public historian, one who seeks to use what he has learned about our past to influence the present political and cultural debates. His goal, as he puts it in his preface, is to help show that "it is no longer possible to treat American history as an unalloyed saga of national progress toward liberty and equality." He is deeply concerned that a history of "celebration is widespread," one that emphasizes America's glory and ignores its actual divisions and conflicts. On the other hand, he is heartened by some recent developments: All the attention to the Civil War has led many to see the central role of slavery in that conflict; displays of the Confederate flag in the South have led to boycotts, state referendums, and demonstrations; and "the movement for reparations for slavery [has] gained increasing support among politicians and intellectuals." (That this last item has also sparked serious opposition—to cite, as one example, John McWhorter's lengthy and brilliant analysis of its fallacies in *The New Republic*—Foner neglects to mention.)

Historian Eric Foner was a bona fide red-diaper baby.

Foner seeks in this collection to deal with the relationship of the historian to the world in which he lives, and he acknowledges that "the context within which a historian lives and writes affects [his] choice of subject and approach to the past." He therefore begins the collection with a new essay he titles "My Life as a Historian," in which he seeks to put his own work in the context of his political and personal life. The essay is, indeed, revealing, but perhaps not in the way Foner hoped. He begins with a little anecdote he obviously thinks is cute, but which fully exposes the mindset from which he approaches his intellectual task. He writes that a friend "who grew up in Communist Hungary" once remarked to him: "I was raised in a country where we understood that most of what the government says is untrue." And Foner replied: "That's funny . . . I grew up in the same country." We know, therefore, that in Foner's eyes, the United States is as unfree and oppressive as the totalitarian regimes foisted upon Eastern Europe by Stalin at the end of World War II.

Foner, as he reveals, was a bona fide red-diaper baby. His father, he relates, lost his job teaching history at City College of New York after a state legislative committee held hearings about the influence of Communists in higher education. (He does not mention that the hearings coincided with the time of the Nazi-Soviet Pact, when Foner's father was touting the party line that FDR and Britain—not Hitler and the Nazis—were the real enemy.) Ironically, the historian hired to replace him was none other than the young Richard Hofstadter, who, years later, became Foner's mentor at Columbia University's graduate school, and whose position at Columbia Foner now holds.

It is fitting, therefore, that Foner's most interesting and worthwhile essay is about Hofstadter as historian and intellectual. He disagrees with Hofstadter's intellectual approach, since Hofstadter started as a Marxist and ended his career distrustful of the masses; Hofstadter, moreover, came to personify the consensus school of scholarship, which saw Americans as united in their basic assumptions. This is a view fundamentally antipathetic to Foner; he concludes, nevertheless, that Hofstadter's writings "stand as a model of what historical scholarship at its finest can aspire to achieve." Hofstadter became disillusioned with American Communists early on; but what endeared him to his young protégé was that, like Foner himself, he still "hate[d] capitalism," continued an "intellectual engagement with radicalism," and espoused an "intellectual approach [that] was framed by Marxism." Just as he criticizes his own early work, however, Foner faults Hofstadter for also writing history that now appears "dated," since it too failed to be "cognizant of the many groups that make up American society." Moreover, Hofstadter thought that Social Darwinism's time had passed; but Foner argues that those who oppose government intervention in the economy—"today's conservatives," who combine an ideology of laissez-faire individualism with militarism and racism—are modern Social Darwinists. But Foner is pleased that at least Hofstadter did not become one of the "New York intellectuals"—who, he says, "made a career of anti-Communism," joined groups like the

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Congress for Cultural Freedom, or became uncritical apologists "for the Cold War."

In Foner's eyes, to be opposed to Communism is in fact to be an apologist for an American Empire. Thus, his chapter entitled "The Russians Write a New History" exhibits his love for the USSR of Mikhail Gorbachev, and his sadness about its demise. As a guest professor under the Gorbachev regime, Foner was thrilled by a society in which Russians embarked "on the task of reconceptualizing their nation's past"—shedding the Stalinist past while remaining true to the ideal of Communism, rehabilitating Bukharin and a supposedly humanist early form of Marxism-Leninism. And yet, Foner is upset that the new Soviet scholars dropped concepts such as "class," never seemed to mention "imperialism," and even got rid of the distinction between bourgeois and socialist ideologies and replaced them with a "search for 'universal human values'" that Foner sees as "oddly ahistorical." This even led to a "love affair with America," in which some of his Soviet students came to believe that "America has become the land of liberty and prosperity of our own imagination." Foner warned them that this view was as "one-dimensional" as the old negative one it was supplanting, and reminded them that American history "has its own complement of mistakes and crimes." One might find good cheer—although Foner obviously does not—that his arguments were not "greeted with enthusiasm." Indeed, he tells us that his students supported Lithuania's departure from the USSR, while he compared Gorbachev to Lincoln and praised him for trying to hold the union together.

Foner has had more luck with his students and colleagues in the U.S., where he finds a greater willingness to confront "unpleasant truths." In his January 2001 presidential address to the American Historical Association—about the nature of American freedom in the age of globalism—Foner argued that the very concept of freedom has been "appropriated by libertarians and conservatives . . . from advocates of unimpeded market economics to armed militia groups." One must take note of this very careful and obviously intended juxtaposition that links advocates of the free market to extreme and dangerous armed right-wing militias. His key point—to which he always returns—is that the genuine concept of freedom comes from the struggles of the dispossessed, the poor, the working class, women, blacks, and gays for their rights. It is, as the historian Pauline Maier wrote in a largely favorable review of Foner's 1998 book *The Story of American Freedom*, "less an example of 'new ways' to study the past than a familiar left-wing approach to American history."

So it is. Thus he admonishes his colleagues to extend "[Frantz] Fanon's insight"—about violence as the road to liberation in the Third World, and about how wealth produces inequalities of power and rights—"to the United States." He argues that freedom, instead of being a core value of the nation itself that must be realized through effort, comes from waging "social and political struggles" on behalf of "those outside the social mainstream." Moreover, he is clearly disturbed that so many believe that the U.S. is an "embodiment of freedom in a world overrun by tyranny"; as he sees it, American freedom was tied to the "debasement of millions of people into slavery and the dispossession of millions of native inhabitants of the Americas."

And although he has no objection to the view during World War II—when the U.S. was aligned with Soviet Russia against Nazi Germany—that we had a "global responsibility" to end tyranny, with the onset of the Cold War he finds objectionable the rhetoric that posited "the division of the planet into a 'free world' and an unfree world." What was good when it was used by "leftists and liberals" during WWII was falsely continued "in the worldwide struggle against Communism," which—Foner implies—led to the "excesses of McCarthyism," the repudiation by liberal intellectuals "of ideological mass politics," and a new "managerial liberalism" meant to defeat the "popular will." (What the "popular will" really is, of course, is something only a neo-Marxist historian such as Foner is qualified to assess.) Foner argues that what was once a worthy view of a free world united against Nazism now became a rallying cry for those who saw America "as the leader of a global crusade for freedom against a demonic, ideologically driven antagonist." His very use of words suggests that, to him, Stalin's Soviet Union was not "demonic," and that the Cold War was just a misunderstanding spurred on by American imperialists. It is not surprising that he bemoans the consequences of "global integration . . . under American leadership," which resulted in the Reagan era with its "negative liberty, free enterprise, and anti-Communism."

In Foner's writing, the probing analysis of a scholar like Hofstadter gives way to the ranting of a left-wing polemicist. Thus Foner gives us evidence that how he sees history is, indeed, greatly colored by the political world he inhabits, and by his own family history in the Old Left. His title—*Who Owns History?*—undoubtedly means to imply that the Right, with its American triumphalism, does not own history; that history belongs, rather, to the ranks of the oppressed. What he has revealed, however, is that while those who share his approach may indeed own the highest ranks of the historical profession, the impact of their writing and analysis is going to be continually ignored by those whom they seek to influence: the people themselves. **NR**

Opening to Glory

If Jesus took the thief with him that day
and they went home to paradise, to our father,

then, why can't all the rest of us go, too,
our crucifixions set, our days so few?

We are as much the thief as any other,
and ready now, God knows, for something new,

for rising, say, and opening to glory
as birds, spreading their wings, and flowers do,

their transitory faces turned toward heaven,
one with the timelessness of all that blue.

—Olivia Ellis Simpson

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Myth-Making on Taxes

RICHARD A. EPSTEIN

The Myth of Ownership: Taxes and Justice, by Liam Murphy and Thomas Nagel (Oxford, 272 pp., $25)

ANY modern society must perform two tasks simultaneously: It must secure a free and stable social order, and it must distribute fairly among its citizens the wealth that is generated by that order. Only some mixed system of private initiative and government action can meet these twin challenges. But which mix, and why? A well-nigh universal consensus recognizes that government must protect its citizens from violence and aggression, both at home and abroad. A powerful social consensus gives the state some role on such matters as highways and public health. Widespread support can be found for using state power to constrain monopolies. But a festering long-term dispute divides us on whether—and if so how much, and by what means—the state should, and indeed does, redistribute wealth from richer to poorer citizens.

Governments run on taxes—and the more extensive the array of government functions, the heavier the burden of taxation. Frequently, therefore, the grand struggles over the size and function of government are mirrored in battles over the proper tax structure. In this running dispute, limited-government figures from Adam Smith to the present have championed a broad tax base with low, flat taxes. (Count me in.) In contrast, modern social-welfare theorists are more agnostic on the tax base, but insist on steeply progressive rates to fund such welfare rights as education, housing, and medical care.

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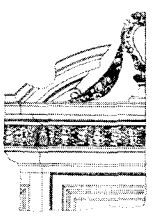
Over the past generation the two sides have fought to a draw. First, Reagan lowered taxes and flattened rates; then Bush I and Clinton raised rates and reintroduced more progressivity; now the second Bush lowers rates and wants to repeal the estate tax. The current political uncertainty has drawn academic writers into the fray, most recently Liam Murphy and Thomas Nagel (both of whom teach philosophy and law at New York University), in this new book. For Murphy and Nagel, there is no middle ground. They are unabashed defenders of the social-welfare state, with hefty tax burdens to match.

Murphy and Nagel are unabashed defenders of the social-welfare state.

The authors develop their case primarily at the level of political theory; seeking conceptual victories, they are eerily silent on the empirical literature. To be sure, our authors don't agree with the French anarchist Pierre-Joseph Proudhon that "property is theft," but they do justify high taxes by claiming that private property is, at bottom, a creature of the state—and not, as libertarians and others would have it, something that individuals hold as of right, which the state is then obliged to protect. According to Murphy and Nagel, the distribution of pretax income is not really the result of a "free market": "There is no market without government and no government without taxes; and what of market there is depends on law and policy decisions that government must make." The state, therefore, may tax as it will the property it has created.



But note what their account leaves out. In postulating the primacy of the state over property, the authors present us with a faceless, disembodied government; no one knows who runs this government, how its officials are chosen, or what laws limit their powers. Yet if private ownership is a myth, then so too is the ordinary liberty to pray, to speak, to marry, or to work. These things, too, require the protection of government: People need to have their private spaces protected from interference by others. Does that kind of government involvement mean that the freedom of religion, for example, is a "myth"? The authors constantly carp at the naïve reluctance of the "everyday libertarian," a.k.a. the common man, to accept their views. But the ordinary citizens are right: If property is a myth, then liberty is a myth as well. By making our rights entirely contingent on government, Murphy and Nagel leave us no way to push back against Leviathan.

The much-maligned classical-libertarian writers offered a more cogent explanation of government's role in protecting rights. They postulated a "social contract" theory, beginning with a state of nature in which no law restrains private action. (They understood this "state of nature" to be purely a thought-experiment, but it's closer to what really happened than the story told by Murphy and Nagel.) The chaos and instability of the state of nature leads everyone to mutually renounce force and fraud, so that each gains the liberty to develop his own talents. They quickly then realize that all would starve unless they had private ownership of land and chattels, for people will sow only when they can reap. This system of property, however, would count for little if each individual could act as a judge in his own cause; individuals therefore agreed to place the resolution of disputes in the hands of an impartial government arbitrator, and to tax themselves to fund its activities.

The gains from each of these steps are enormous, which is why we are willing to presume that everyone would agree to the system. But how should we divide those gains? Locke, Smith, and Hayek all believed that taxation proportionate to income—i.e., a flat tax—was the fairest solution. It would avoid the perils of a head tax, which could ask individuals to contribute more to public operations than their total income, thus depriving them of the gains from social interaction and giving them an incentive to leave the system. The flat tax would also be relatively easy to administer, and allow government to

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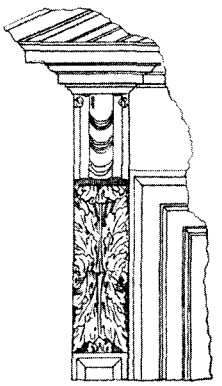
raise as much revenue as was needed to meet particular threats. Under the social-contract theory, moreover, government would be allowed to use tax revenues only for the purposes that called it into being: the protection of liberty and property and the provision of basic public goods.

Murphy and Nagel never explain why this analysis is incorrect. They do complain that it "gives us no guidance as to the appropriate level of government expenditure," but that is actually one of its strengths: Since we can't know abstractly the level of public goods that government will have to supply, we need a theory that gives political actors the right incentives to figure out that precise level. By making government spending depend on the willingness of citizens to be taxed, the social-contract theory gives political leaders an accurate index of how much spending the society really demands.

In truth, Murphy and Nagel don't like classical social-contract theory for only one reason: It contains no place for the redistribution of property. But instead of pretending that property is a myth, they should address the underlying question of whether forcible redistribution of income and wealth is really necessary in order to achieve a just result. The studies of wealth distribution are often misleading: They tend to understate the extent to which high-income individuals share resources with family members in lower tax brackets, and to ignore the fact that individuals move across tax categories at a rapid rate. All of this indicates that the distribution of wealth is less unjust than is commonly supposed.



Murphy and Nagel also make an important error in supposing that skewed distributions of income result solely from the operations of the market. Not so: The market only determines gains and losses from unregulated market transactions. Ironically—for writers who insist on examining the tax law in the broadest possible social context—they turn a blind eye to the perverse impact that other forms of state regulation have on income and wealth distribution. Huge subsidies distort the operation of agricultural markets. Tariff laws provide undeserved bonanzas for protected industries. The minimum wage, the antidiscrimination laws, and other labor laws often create barriers to entry into the workforce—barriers that benefit only the winners. These rules tend to aid older workers—who have often, it should be pointed out, accumulated some wealth—at the expense of younger competitors. Murphy and Nagel offer not a word about the impact of these regulations, or about the need to repeal them.

The authors are similarly reticent when it comes to other determinants of individual welfare. They say nothing about the influence of personal habits and illegitimacy on income and wealth. They do not address the (very reasonable) concern that guaranteed infusions of income might lead recipients to engage in rapid consumption or in risky and counterproductive forms of behavior. They do not ask why negative-income-tax programs have had indifferent success, or whether food-stamp recipients divert their vouchers to alcohol or tobacco. And they treat the free market—the one institution that fosters wealth creation—as the source of poverty and social decay.

Charles Murray has argued that we had more improvement toward income equality *before* the rise of the modern social-welfare programs (say, between 1945 and 1970) than we have had thereafter—notwithstanding the huge infusion of funds in the years since. But the authors don't even try to take on Murray's argument; they content themselves with references to a spotty tax literature that seems to suggest that changes in tax laws have had little effect on most people's earning behavior. Yet at the same time, they never ask the question whether these incentive effects would loom larger if Congress instituted the near-confiscatory regimes that they endorse. Suppose a rich person earned $100, which was taxed at 50 percent, and then gave away the remaining income to his children, who were then taxed another 60 percent on it. Isn't it just common sense that people will work less hard for wealth that they cannot keep, or will consume the wealth they have instead of investing it or passing it on to the next generation?

These illustrations point out a more sensible way to proceed. Murphy and Nagel are blind to the possibility that the current levels of taxation are already, in fact, too high and too progressive. Instead of adopting their soak-the-rich approach, we should move quickly on those matters on which there should be common ground: The whole array of regulations that reduce the efficiency of markets and produce undeserved winners—unjust beneficiaries of government favors—should be repealed. This liberalization would not only vindicate the approach of classical-liberal theories, but also reduce the unfairness in wealth distribution that leads to misguided calls for higher and more progressive taxes. **NR**

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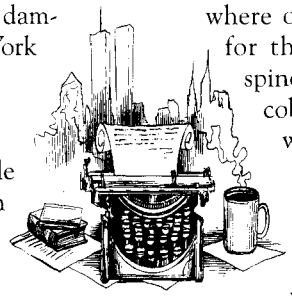
■ CITY DESK ■

Island Bazaar

RICHARD BROOKHISER

IT is the season of yard and tag sales, when you slam on the brakes to stop at the table set with rusty silverware, Darth Vader masks, assorted dinner plates (the only ones that were once costly all now chipped), and a cardboard box full of books, their back pages swollen and ruffled with water damage. That means that in New York it is the season of street fairs.



Street fairs last through the swelter of late summer, into the chill of fall. But now, while the air is dry and thick with pollen and the heat of the waxing sun is diminished by stiff breezes, is the time to sample them. Weather must provide an inducement to go, because their wares are as uninviting as they are predictable. Every weekend, the police close off ten to fifteen blocks of some Manhattan avenue. The merchants line the curbs, and the New Yorkers slowly perambulate up and down. What the former display and the latter inspect is always the same.

The sellers of Africana offer collections of clothing and artifacts that are the material equivalents of Alex Haley's *Roots*: cheap, kitschy, and fake. There are wooden sculptures of gazelles and antelopes, made in Indonesia; "tribal" drums with "animal skin" heads (street drummers in New York are more likely to tip over plastic buckets and bang them; drummers in Johannesburg probably do the same); collarless shirts with animal motifs, or pictures of African mothers breast-feeding (the lack of a collar is the guarantee of ethnicity and authenticity). What would a similarly flashy and incoherent collection of Europeana be? Dutch wooden shoes, Breton lace headdresses, and T-shirts with the duller sayings of famous Europeans like St. Francis, Napoleon, and Hitler. Sometimes it is better to be the orphan of identity politics than its heir.

If the Europeana stands sold food, they would sell the inedible Italian sausages of street fairs, whose vendors cluster two-to-four to a block. The stink of burning grease from their booths is overpowering. Does it come from the grills, or from the food? Are we only smelling it for free, or if we pay, can we eat it too? The wittier booths boast garish signs of pigs in crowns or chef's hats, gaily advertising their own slaughter. If you ever want to become a vegan, these booths are the places to do it.

Does your back hurt? Of course it does; there were no kitchen counters or personal computers on the savannahs where our bodies evolved. Look for the free-standing plastic spines, erect as a hypnotized cobra, or the massage chairs, with padded face rests shaped like toilet seats. Chiropractors, who display the spines, have been with us for many years (H. L. Mencken wrote one of his sprightliest hit jobs on them), but the back masseurs, who use the massage chairs, appeared all of a sudden ten or fifteen years ago. They all seem to be Asian, and they might be exiles or spies or even masseurs. No one will ever know, because they don't speak English. They solicit aggressively, just short of giving offense.

Carpet cleaners also solicit, but they are unthreatening since they manipulate only a mop and their demonstration square of piling. Look at this carpet; did you ever see such dirt? It looks like a Kleenex used by a city bus. But just plunge the mop in the sudsy bucket, and rub it back and forth, and the carpet is—if not white as snow, then white as mushrooms. Who are you going to believe, your eyes, or your skepticism? But if you had a carpet that dirty, wouldn't it be easier to throw it away?

Musicians entertain the bemused shoppers. I have been a street musician myself, so my instinct is to be kind. But why can't sound systems ever work? Why are they either broken, or painful? The music is best enjoyed from five blocks away, and ten or twelve blocks up—when, mixed with the lullaby of traffic and airplanes, it becomes a gentle Ivesian homage to street fairs past.

There are a few useful things available at New York street fairs. If you have not registered to vote, then there will be tables of Democratic and Republican good-doers, offering access to our mild alternative to al-Qaeda. If you need socks—and pounding city streets wears out the heels as fast as anything—then there are tables of socks, athletic and dress, plain and serviceable (for socks decorated with argyle, or Munch's "The Scream," you must go elsewhere). If you want spices, here are the jars of caraway seed and turmeric and lucent syrops tinct with cinnamon. But the New York street fair is mostly a bland thing, driven by dealers and specialty vendors. What you miss, that even the pokiest front-yard card table offers, is the element of human choice and a lifetime's accident that shapes the detritus of mass culture. I bought my copy of *Witness* at a country yard sale, and at another I had a conversation about whoever could have bought those playing cards with naked ladies on them—Grampaw? I can't get those at a typical New York street fair, only an adjustment or food poisoning.

■

The carpet looks like a Kleenex used by a city bus.

■

There is at least one exception, though. This street fair is not on an avenue, but on East 10th Street, and it is only a block long. The block begins inauspiciously, but it ends with the cemetery where the Stuyvesants are buried. The entertainment can be awful—I have heard an old Eastern European poet bellowing about his sex life. But in among the dealers are residents of the street, putting out their junk—the yogurt makers, the books by Henry Kissinger and Erica Jong. My wife got bunches of plastic grapes she made into a necklace; I got an album of belly-dance music by Eddie "The Sheik" Kochak. And there are many other things too ugly or forlorn to buy, but fascinating to look at. So New York is large enough to have even the pleasures of the country. **NR**

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■ SHELF LIFE ■

WOMEN are human beings, and should therefore have the same rights and freedoms as all other human beings: This was the fundamental insight of the early generations of feminist pioneers. In recent years, feminism has taken a disastrously wrong turn away from this freedom philosophy, toward the espousal of a cramped, cosseted, and immature victim culture that infantilizes women instead of liberating them. But all is not lost for feminism, because a few brave souls are keeping alive its original flame. *Liberty for Women: Freedom and Feminism in the Twenty-First Century* (Ivan R. Dee, 353 pp., $18.95), edited by Wendy McElroy, is a thought-provoking anthology of freedom-feminist writings.

■

Kimball's book reminds the reader why we need good art critics.

■

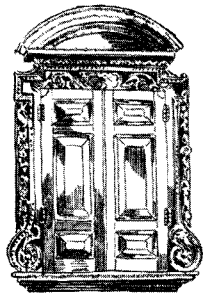
In her foreword, Wendy Kaminer defines the problem succinctly: "The prevailing feminist analysis of American society as systematically unfair to women inevitably leads some to regard liberty as a male prerogative, even a tool of male oppression." The rest of the book is devoted to sketching out an alternative, viewing freedom as the solution to, rather than the cause of, women's problems. Many conservatives will object to particular essays—for example, Nadine Strossen's delightful debunking of the anti-pornography feminist nannies, and Alexander Tabarrok's defense of abortion rights—but overall, this book is a valuable contribution to the cause of freedom, and of feminism properly understood.

■ Lovers of Roger Kimball's art criticism have a treat in store for them in his new anthology, *Art's Prospect: The Challenge of Tradition in an Age of Celebrity* (Cybereditions, 222 pp., $12.95 e-book, $17.95 paperback); those who are not already admirers of his work in this field will almost certainly be converted by the essays in this book. Kimball lights a candle of hope, and does so with memorable eloquence:

> Most of the really invigorating action in the art world today is a quiet affair. It takes place not at Tate Modern or the Museum of Modern Art, not in the Chelsea or TriBeCa galleries, but off to one side, out of the limelight. It tends to involve not the latest thing, but the permanent things. Permanent things can be new; they can be old; but their relevance is measured not by the buzz they create but by the silences they inspire.

To which anyone who cares about the future of art can only respond, "Wow"—and "Amen." Much of the fun in this book comes from Kimball's ridicule of artworks lionized by mainstream art critics, but it's passages like the above that remind the reader why we need good art critics—and good art.

■ Is the former national chairman of the Young People's Socialist League someone you would trust to give you a brutally candid, unvarnished account of the history of socialism? The answer is yes—if, that is, he went on to become one of the most brilliant and accomplished intellectual defenders of liberty and democracy. Joshua Muravchik's *Heaven on Earth: The Rise and Fall of Socialism* (Encounter, 417 pp., $27.95) is a marvelous book, a detailed yet readable narrative of one of history's truly remarkable sagas.



Muravchik traces modern socialism from its roots in Babeuf and the French Revolution through the rise and flowering of Marxism to its eventual uneasy capitulation to free-market economics in the post–1991 era. In its flourishing years, it did incalculable damage, through its own oppressive regimes and through the example it provided for others: The author notes, for example, that Mussolini, the son of a member of the First International, "may in fact have been the original 'red diaper baby.'" (Mussolini went on to create Fascism, or what might be called "national-greatness socialism.")

Especially interesting is the final chapter, "The Party of Business: Blair Redefines Social Democracy." NATIONAL REVIEW senior editor David Pryce-Jones has wisely observed that "there is just one man standing between Britain and socialism: Tony Blair." Muravchik writes that Blair "was at the vanguard of a strong current," with German chancellor Gerhard Schroeder cutting taxes and Spanish Socialist prime minister Felipe Gonzalez proclaiming that "capitalism is the least-bad economic system in existence."

If that's "socialism," it's a socialism we free-marketers can live with.

■ Historian Mark C. Carnes asked each of 50 prominent Americans to choose a figure from the American past who deserves greater recognition and understanding. The result is the new biographical anthology *Invisible Giants: Fifty Americans Who Shaped the Nation But Missed the History Books* (Oxford, 316 pp., $26), which offers an amazingly diverse gallery of important yet underappreciated Americans. William F. Buckley Jr. nominates Albert Jay Nock, the seminal conservative figure whose name is known by those within the conservative fold but by precious few outside it; Arthur M. Schlesinger Jr. offers the "remembered but not read" 19th-century historian George Bancroft; Fr. Andrew Greeley names John England, the first Catholic bishop of Charleston, S.C., who "was able, almost two centuries before the fact, to anticipate the changes that Vatican Council II enacted for the whole Church."

—MICHAEL POTEMRA

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WILLIAM F. BUCKLEY JR.

See Woody Run

NEW YORK, MAY 31

RANDOM thoughts and sentences of President Bush are the objects of great (and studied) fun by critics. It is rumored that there is a website that collects these. The not-well-concealed motive here is to depict a leader with thoughts so disorderly as to bring on doubt about his capacity for consecutive thoughts.

Yes, well, these things do happen. And they happen to people with an iron grip on thoughts and words: Would you believe Woody Allen? A prime exhibitor of other people's confusions?

Woody is in Cannes. He has a new movie, and people who have new movies go to Cannes. The objective is very simple: You are to ingratiate yourself and, derivatively, your new movie. Or the other way around. In any case, you want to leave Cannes with the critics there saying pleasant things of the kind you can deposit in the bank.

So two weeks ago Allen is in Cannes and the subject of French anti-Semitism comes up. The charge has been especially piquant since the dinner party in London a few months ago, at the home of Lord (Conrad) Black, where the French ambassador complained about preponderant influences in Mideast politics. All the more annoying, he remarked, given that, after all, Israel is a "sh*tt* little country."

That was at best a diplomatic blunder, at worst, the True Voice of France. Not long after, a number of synagogues in France were defiled and firebombed. Then there was the upset success of Le Pen, who is of course a nationalist and a bigot, but will forever be remembered for saying that Nazi gas chambers were a mere "detail of history." And lowering in from the banks of history, always, is the dastardly record of French cooperation in loading French Jews onto trains headed for that detail in history. Most recently on the subject, we had President Jacques Chirac, dining with Mr. Bush in Paris, heatedly denying that the French were anti-Semitic.

So along comes Woody, and the last thing he wants to do is antagonize the French, whose critics are at Cannes and voting. Asked to opine on the question, he volunteered that he had "never felt that the French people in any way were anti-Semitic."

The American Jewish Congress had, in full-page ads, shaken a finger at the gathering in France. The ads called on U.S. film stars and producers to boycott the Cannes film festival in protest against anti-Semitism: "Please consider: France, 1942 . . . France, 2002."

Woody Allen rejected boycotts, but said that "the truth is, much of the world is anti-Semitic, and to single France out with a boycott seems wrong to me."

Back home, Woody got a letter from Ed Koch. Mr. Koch was mayor of New York, is relentlessly articulate and probing, and will find anti-Semitism even if it is hiding in a cocoon. He is not above finding it where it does not exist, as in his statement a year or so ago that the America First Committee was an anti-Semitic movement.

Anyway, Koch writes to Woody that "Many knowledgeable observers believe anti-Semitism in France and elsewhere in Europe is equal to what it was in 1939. I do too."

Woody replies that "Without getting into it too deeply, let me just say that I do not believe the French are anti-Semitic because I know a number of French Jews who strongly believe they are not."

That's a step improved on saying that he had French Jewish friends. But it hardly handled the question. French Jews who deny national anti-Semitism are hardly difficult to find. Up until Kristallnacht, you could find German Jews who denied national anti-Semitism.

"If the guy in the textbook wants 'X' to be unknown, why don't we let well enough alone?"

Any suggestion that what anti-Semitism there is in France is to be likened to the situation in Nazi Germany would be found preposterous.

But Woody wasn't through. "Try to understand," he wrote Koch, "that when I speak at interviews, I'm there to plug my movie and give fast, impromptu answers to suddenly interjected, complicated questions."

But on the question of a boycott of—movies!—Allen wrote that a boycott "in certain extreme cases" could be "a justified tactic."

But then Woody apologized for the whole thing. His response "was perhaps too general and based on" his reaction against "clear unfairness to the French."

But was it unfair? We have Woody Allen a) making an exonerative statement, b) qualifying it by saying that everybody is that way, c) reminding us that all he was really interested in was selling his new movie, d) telling us he knows French Jews who are on his side, and then e) saying he wished he hadn't said anything on the subject to begin with.

Woody qualifies to act in one of his own movies, as a person caught up in the mumble of his thoughts, like W.

Mubarak Marches

NEW YORK, JUNE 4

ENTER Egypt, in a pretty big way. President Mubarak reminds us how critically he is situated. He does this by telling us that he knew al-Qaeda was plotting against us, intending a dramatic strike of some sort. He knew it—and he told U.S. officials about it. He didn't say who, exactly, nor record what specific precautions were then taken, though he did say that the U.S. embassy in Cairo had been fortified. We are invited to assume that Egypt's intelligence system has improved since the day, two years ago, when it could not establish, even after the plane went down, that one of its pilots had decided to profess his suicidal faith by crashing the airliner and its 217 passengers into the sea.

Then he said that in his meeting with President Bush on Wednesday he is going to propose joint action on the Israeli/Palestinian front: specifically, the promulgation of a Palestinian state.

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His reasoning is more interesting than the specifications for such a state, which he leaves open to negotiation. What deserves attention is his warning that to leave it as it is, in the hands of the two contestants, is a venture in self-entrapment. The two parties are stuck, says Mubarak, and need intercession by a "heavyweight," the United States being the single heavyweight in town.

Mubarak would have Mr. Bush go forward on his call earlier in the day for a Palestinian state. Let such a state be declared and proceed then to a conference to argue over its borders. Mubarak assures us, reasonably, that this time around Arafat will be less obstinate than he was at the conference with Barak in 2000. Mubarak wants us to believe that he assesses with some authority the temperature of the Palestinian Authority.

And he wants us to believe that he has influence across the border. When the suicide terrorist struck, immediately after the withdrawal of most of the Israeli military in May, and it was established that the bomber was from Gaza, Mubarak went right to his fax machine and sent a dispatch to General Sharon, warning against massive retaliation against Gaza. And lo, the tanks did not move, the rockets did not fall. The injunction by Mubarak to prudence might indeed have been critical.

Everyone is awaiting now a solution devised by more than the contending parties. It would be nice if a deus ex machina came along, but pending that, we have most prominently in sight the Saudi Arabian proposal, and now the Egyptian proposal. Both of them leading, it is expected, to something from the United States that takes into consideration not only the Palestinian population inside the West Bank borders, but also the Republican population in Congress and the White House.

In his broadcast, Mubarak acknowledged problems of his own. He has ideal-hungry youth who are unemployed and in search of other satisfactions, and means by which to express their Islamic militancy. Mubarak says he can see his way to making a trip to Tel Aviv, in the august tradition of Anwar Sadat. But he is not going to go there merely to be "insulted." He wants to have some assurance that the area is caught up in the diplomatic entrepreneurial act. And this requires: 1) the recognition of a Palestinian state *whatever* its boundaries, and 2) earnest money by Israel in the proceedings.

What exactly Israel is to concede, Mubarak prudently did not specify. What hovers in the picture is the size and vector of the Jewish settlements, the location of the capital of the new Palestinian state, and the rights, if any, of the Palestinian dispossessed.

Mubarak wants very much to be noticed when he arrives and begins to trade with President Bush. It's our job to channel his energy and head it in the right direction, which should include the nature of young Egyptian idealism.

Life Without Parole For Priests

NEW YORK, JUNE 7

THE American Catholic bishops are staring at two challenges. One of them is how to restimulate the faith of the laity in the ministry. The second is how to protect children from wickedly weak priests.

The proposal released to the press by the working committee of bishops, preparing for the plenary session in Dallas next week, goes far in meeting both challenges, but not far enough, in the opinion of some. What the proposals say is that any priest detected in child abuse will be reported to civil authorities and removed from any ministerial duties in which children figure.

What about the priest who committed the crime many years ago, has submitted to psychological examination, has undergone therapy, and has not transgressed again? The reform proposals do not specify that such a priest be discharged from the ministry, let alone defrocked.

Some bishops think this exception unwise, asking for retroactive zero tolerance. Vatican sources are reportedly disturbed at the proposition that allowances should not be made in any circumstance. Archbishop Harry Flynn of Minneapolis-St. Paul, who headed up the reform committee, said, "We need to believe in the possibility of conversion. We need to believe in the possibility that people can grow, people can turn a corner. Psychologically, medically, we would be fools if we were to say that someone cannot grow."

That is of course correct. Christ forgave his executioners. But in doing so, was he exercising a kind of charity that only divine resources can generate? And anyway, what was to prevent the executioners from further victimizations, on the cross, or elsewhere?

The totalists in today's situation are driven less by the need to show the face of mercy than by the need to regenerate the confidence of the laity. How to maneuver, under the circumstances?

The laity see the following:

—It is priests who committed the crimes.

—It was bishops (in many cases) who failed to segregate, let alone adequately punish, the priests in question. These are men who, using one vocabulary, would be called criminal; in another, errant.

Should it be expected that the episcopacy would give primary consideration to the morale of the flock? In specifying severe judgment, as is widely recommended, are the bishops engaged in a form of retribution for having erred in the past by latitudinarian excess?

The problem is grave. Obviously it is unjust to move with capital severity where there is less than conclusive factual certainty. To the proposal that a priest judged guilty should be defrocked, an Italian professor of dogmatic theology comments, "A priest, victim of an unjust condemnation, is condemned to death." Two cardinals, McCarrick of Washington and Maida of Detroit, recommend something other than defrocking: sending the errant priest to a monastery. "Put him in an atmosphere where he can't do any harm to anybody, but he can still live out his life as a priest." That expedient has the further benefit that to consent to the monastic life would give the sinner a means of reaffirming his faith. A secular priest willing to change entirely the culture of his calling from parish priest to monk would demonstrate to his fellow priests, and to former parishioners, that he was willing to pursue his calling, yea, even unto the confines of cell-life, removed from temptations which, on one or more occasions, he proved incapable of resisting.

When the bishops meet in Dallas, what the Catholic public needs to record is something this side of a Jacobinical hunger to appease the bloodlust of the afflicted and the disillusioned. The bishops are governed by a view of life that is distinctive, and they are now challenged to mediate between extremes that are un-Christian in character. Just as sin is exactly that—sinful—so a closed mind to any possibility of moral growth is a departure from the Christian way.

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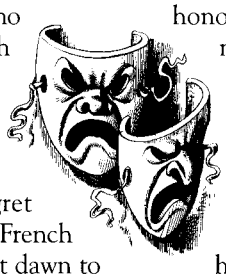
■ THE MISANTHROPE'S CORNER ■

FLORENCE KING

I HAVEN'T checked what are laughably called college curricula lately, but it's a sure bet that English departments, if they still exist, do not require students to read the works of William Hazlitt. Not only is he white, male, and dead, but he wrote an essay that could prove fatal to the American balancing act our colleges are sworn to uphold. It's called "On the Pleasure of Hating."

Hazlitt (1778–1830) was an intense, eternally irritable intellectual who lived in an age that clashed with his sour temperament. The early 19th century was sunk in the tender emotions of the Romantic era. Writers like Wordsworth had come to regret their earlier enthusiasm for the French Revolution ("Bliss was it in that dawn to be alive . . .") and its violence. Reaction set in, and ideology was replaced by a gauzy veneration of nature and beauty, love and nostalgia, as well as a major switch in the body fluid of record: Blood was out; tears were in.



It was enough to make a cultural commentator gag, and Hazlitt did just that. He decided that his contemporaries on the British literary scene were not mean enough, and, like the Michael Douglas character in *Wall Street* who declared that greed is good, he gave the nod to hatred.

"Without something to hate," he wrote in his notorious essay, "we should lose the very spring of thought and action." By this yardstick, Americans have already passed our use-by date, because we keep draining the spring. Show us a perfectly good, satisfying hatred and we immediately shoot it down.

Should we hate Middle Eastern terrorists? No, because if we allow ourselves to hate them we might start hating people who look like them, and then people who look *something* like them, and before you know it, we will be taken over by blue-eyed, blond-haired Aryan Supermen who hate everybody.

Should we hate pedophile priests? No, because that might activate dormant hatred of Catholics, which might revive Know-Nothingism, which might end in an auto-da-fé, which might set a precedent for hatred of other religions, which might in turn lead to hatred of Islam, which would make it okay to hate Middle Eastern terrorists. This is America's most popular board game; every throw of the dice takes you back to square one.

What about hating John Walker Lindh? Hating traitors has a long and honorable history, but whenever a member of a traditionally hateable category comes along we stick an "alleged" in front of him; it covers him from head to foot like those ancient Greek shields used in phalanx formations, so that anyone who hates him before he is proven guilty is accused of hating Our Way of Life. If you think you can hate him after he's been proven guilty, guess again: Hating after "closure" time makes you a hate-aholic.

Hazlitt believed that hatred is therapeutic, and that humanity instinctively seeks out antidotes to the enervating effects of too much amity. This natural urge to keep hate alive was responsible for the immense popularity of Sir Walter Scott's swashbuckling novels about medieval Scotland:

> They carry us back to the feuds, the heart-burnings, the havoc, the dismay, the wrongs, and the revenge of a barbarous age and people—to the rooted prejudices and deadly animosities of sects and parties in politics and religion, and of contending chiefs and clans in war and intrigue. We feel the full force of the spirit of hatred with all of them in turn.

Englishmen of Hazlitt's time who read these tales derived what he called the comfort of "sorting out ancient hatreds," but no such comfort is available to us because we can't even sort out the ones that have cropped up in the past year.

Literal-minded individuals are quick to accuse Hazlitt of "preaching hate," but he did no such thing. "On the Pleasure of Hating" is a plea for fullness—of outlook, of understanding, of character, of maturity. The pleasures of hating are actually the pleasures of realism, sophistication, and—ready?—self-esteem.

Americans are short on all of the above, for reasons that Hazlitt would readily discern. Hard as it may be to accept, there is such a thing as being hate-deprived. Our latest *cri de coeur*, "Where's the outrage?," is an unconscious rebuke of our own incomplete selves. Where the hell do we think the outrage is? It can't emerge without the kind of hatred that used to be called "righteous wrath."

We also fail to realize that if we reject one towering emotion, we likely will reject others as well. This is why "love" scenes in today's novels and movies, no matter how explicit, give off no yearning, no passion, no electricity. Check out any great love story and you will find that it is really about hate (e.g., *GWTW* is pure Social Darwinism), and Hazlitt understood why this has to be: "Pure good soon grows insipid . . . Love turns . . . to indifference or disgust: Hatred alone is immortal."

He could put his finger on "America's vital interest": We go to war to "stop the hatred." He also would have no trouble spotting the twisted logic behind "hate crimes": It's the hatred we want to punish, not the crime. He might be puzzled by some of our more exotic contortions, such as "harmless little fuzzball," the self-description popular with accused haters like Rush Limbaugh, and "mellowing," the de-hating procedure that transformed former Southern firebrands like Strom Thurmond and James J. Kilpatrick into color-blind integrationists so they could keep their jobs.

Of course, a few things would throw him for a loop: anger-management workshops, "I HATE Hate" bumper stickers, smokers as scapegoats, and moviegoers who think William Wallace wanted to make Scotland safe for democracy. But once he digested it all, he would realize that he had written the perfect description of the 21st-century American mindset: Those who are "dupes of friendship and fools of love" invariably hate themselves "for not having hated and despised the world enough."

You're a good man, Bill Hazlitt. How about a hug? **NR**

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Fast Track is the Defining Trade Issue

Manufacturing is a major source of America's wealth. Our strong manufacturing base has helped create a prosperous middle class and enabled the USA to be the arsenal of democracy for almost a century.

Yet, American manufacturing is endangered now, as never before. Free trade ideology is the main threat – especially as embraced by US multinational companies at the beginning of the 21st century. There is a sounder, more nationally advantageous view – espoused by Henry Ford at the beginning of the 20th century.

Ford advocated US companies building a domestic economy where American workers could afford the products that they make. Multinational companies advocate increasing their stockholder value by moving factories, labs, and jobs to wherever the lowest wages can be found.

Today, the multinational view prevails in Washington. As a result, our government has entered into trade deals, such as NAFTA, that encourage US manufacturers to relocate in low-wage countries such as Mexico and China. Last year alone, America lost 1.3 million good-paying manufacturing jobs, largely because of these US trade policies.

And the US trade deficit is now almost 5 percent of our Gross Domestic Product – a level which Federal Reserve Chairman Alan Greenspan calls "unsustainable."

Politically, American deindustrialization is now reduced to one piece of legislation before Congress – "Fast Track."

The President wants to negotiate more NAFTA-like trade deals. To assure quick ratification, the President wants Congress to suspend its normal legislative and constitutional procedures and rubberstamp approval of these pacts.

Supporters of such "Fast Track" legislation would put America into more NAFTA-like trade deals.

Opponents of "Fast Track" want Congress to perform its Constitutional duty and carefully weigh whether specific provisions of trade pacts are in America's best interests.

We urge all our Representatives and Senators to vote a resounding NO on "Fast Track"

The United States Business and Industry Council
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